



**VIETNAM VETERANS  
ASSOCIATION OF AUSTRALIA**

**SUBMISSION TO THE REVIEW COMMITTEE OF THE  
VETERANS' ENTITLEMENT ACT**

**Part 3  
WAR WIDOW(ER)S' PENSION**

18 April 2002

© Vietnam Veterans Association of Australia (VVAA) National Council 2002.  
This document is not to be copied, reproduced or displayed in any form without the  
express written consent of the VVAA National Council

# WAR WIDOWS' PENSION – VVAA SUBMISSION

## Table of Contents

---

Introduction .....	1
Discussion.....	2
Recommendation .....	3
Historical Background.....	A-1

---

# WAR WIDOWS' PENSION – VVAA SUBMISSION

## Introduction

---

**Current rate** The War Widow(er)s' pension is paid at the current rate of 26% of the MTAWE, or, in dollar terms:

<b>Element (Per Fortnight)</b>	<b>Value</b>
Base	\$447.00
Supplement	\$125.00
<b>Sub-Total – Full Pension Eligibility</b>	<b>\$578.00</b>
Pharmaceutical Allowance	\$6.00
Telephone Allowance @ \$18.00 per quarter	\$2.76
<b>Total</b>	<b>\$586.76</b>

---

**Issue of concern** The example above is for war widow(er)s who are in receipt of the Income Support Supplement. One of the major concerns for younger veterans who are in receipt of the Special Rate of Pension is that in the event of their death, and despite child support allowance, family income will drop to a level that is insufficient to maintain mortgage payments and raise a young family. This also applies to war widow(er)s who are over 55 and have dependant children and a mortgage.

---

**Central arguments** The central arguments of this submission are that:

- the current War Widow(er)s pension is inadequate to maintain a home for a family and at the same time bear the cost of educating children; and
- these circumstances apply to a significant number of war widow(er)s.

---

**Gender** In this paper the term “widow(er)” is used to denote a widow and/or widower. The possessive “her” also implies “his”.

---

# WAR WIDOWS' PENSION – VVAA SUBMISSION

## Discussion

---

**Analysis of costs** The limited time available for preparation of submissions has not enabled the VVAA to research, identify or analyse indicative costs relating to mortgages, education and child support costs in a variety of environments. The Association encourages the Department to undertake this research.

---

**Ancillary benefits** Current ancillary benefits include entitlement of the widow(er)s and children to the Gold Card for medical treatment, pharmaceutical allowance, and telephone allowance. Other allowances and benefits may be payable, dependent upon specific circumstances.

In addition to certain Commonwealth benefits, States offer various levels of concession for a range of expenses including travel, vehicle registration, driver's licences and so on. There is no consistency between the States for these concessions.

---

**Veterans' children should not be raised in poverty.** A War Widow(er)s has lost their life's partner due to war-caused injury or illness. We submit that a War Widow(er) is entitled, not to the minimum rate for survival, but to a rate of pension which will enable him/her to properly house, clothe, feed and education the children of the partnership. The children of a veteran who has died in service of his country should not be raised in poverty or deprived circumstances.

---

**The contribution of carers** The government and the service community acknowledge that those who care for veterans disabled due to their war or defence service contribute significantly in providing a supportive environment for the disabled veteran saving the government significant amounts in tax payers monies as alternative to hospital care and other support services that would otherwise be required.

---

**Income Support Supplement** The Income Support Supplement is means-tested and may be age-qualified, depending on certain other circumstances such as blindness or dependent children. Allowances or additional benefits that accrue to recipients of the ISS including pharmaceutical allowance, rent assistance, and remote area allowances. In addition, there may be an entitlement to telephone allowance and child-related payments.

---

*Continued on next page*

# WAR WIDOWS' PENSION – VVAA SUBMISSION

## Discussion, Continued

---

### **Supporting argument**

War Widow(er)s while supporting their disabled veteran are, in the case of a Special Rate recipient receiving full service pension at the married rate. At \$1412 per fortnight, including all relevant allowances, this is an income that just sustains paying off a low mortgage and supporting two to three dependant children. This equates to an annual income of \$36,712. On the death of the veteran that annual income drops to \$15,255, an overnight decrease of more than 58% in the family income!

War Widow(er)s under the age of 55 years are often left with a mortgage to service and dependent children to raise. Clearly this cannot be done on this level of income. Many War Widow(ers) over 55 are in the same situation as regards mortgages and sometimes have dependent children. Their own health has often been adversely effected by caring for a disabled veteran, their social life is non-existent for the same reason, and they are left in economically deprived conditions.

The ISS benefits, other than the direct payments, are not extensive, but they do make a difference to quality of life. They are aimed at specific areas such as rental assistance, communications, and health, ensuring that those who are in receipt of the benefits are able to maintain a quality of life that they may not otherwise have, even if they do not qualify for the ISS.

---

# WAR WIDOWS' PENSION – VVAA SUBMISSION

## Recommendation

**Recommendation**

- 
- 3. The VVAA recommends that the Veterans Entitlements Review committee propose that government:**
- (a) adjust the war widow(er)s pension to 75% of the Special Rate of Pension while retaining all current entitlements and benefits, regardless of the rate received by the partner prior to death;**
  - (b) continue eligibility to the Income Support Supplement, thus giving the war widow(er)s a minimum annual income of \$14,079 which, with the Income Support Supplement is raised to \$17,329.00 per annum.; and**
  - (c) provide all war widow(er)s with entitlement to the DVA Concession Card, whether they are in receipt of the Income Support Supplement or not.**
-

# WAR WIDOWS' PENSION – VVAA SUBMISSION

## ANNEX A

### Historical Background

---

1914 War Widows' Pension was introduced under the War Pensions Act 1914, which provided for the pension when a member of the Forces was killed or died on active service. The war widow had to be financially dependent on the member to receive compensation. The rate varied depending on the rank of the member. Thus, the private received one pound a week, while an officer's widow was paid three pounds a week. If the widow remarried, she was no longer eligible for the pension.

---

1915 The 1914 Act was amended to enable widows to be eligible for a widows' pension regardless of their level of payment than those without dependents, on the basis that she was most benefited if she were placed in a position to devote herself exclusively to her home. A living allowance was also paid to the mother of the deceased veteran who previously was financially dependent on her son. The rate of payment varied according to the number of the applicant's dependents.

---

1916 Parliament allowed the pension to be payable to a de facto widow (recognised as the relevant Serviceman's wife), who was wholly or partly dependent on the member at the time of the event causing his incapacity or death. Parliament decided that if a war widow remarried she would continue to receive the pension for two years.

---

1920 The Australian Soldiers' Repatriation Act 1920

- (a) extended the definition of a widowed mother;
- (b) imposed a limit regarding the time of widowhood to those widowed mothers who became a widow before, or within three years after the death of the member; and
- (c) broke the parity between the widow's and the widowed mother's rate of payment by increasing the widow's rate.

---

*Continued on next page*

# WAR WIDOWS' PENSION – VVAA SUBMISSION

## Historical Background, Continued

- 
- 1924/31 Free medical treatment was provided to war widows, but it was limited to visits to those doctors agreed upon by the Commission and to receiving only surgical aids or medicines from them. The Act was further amended to authorise payment of an allowance for two years upon a widow being married a second time, providing she lived in the Commonwealth and was without adequate means of support. Despite protests and the system of differential payments by a member's rank ceased. The maximum rate was decreased as a savings measure. In addition, any woman who married a veteran after October 1931 was not eligible as a dependent. Children of veterans born after that date also were excluded from receiving compensation benefits.
- 
- 1934 A provision was introduced to pay a widow's pension to a widow of a member whose death was due to war service, regardless of the date she married.
- 
- 1936 Legislation was amended so that upon the death of a veteran on the TPI pension his widow received the War Widows' Pension automatically.
- 
- 1937 The time limit imposed on widows applying for a pension was changed so that a woman married to a provision veteran became eligible for benefits. In addition the definition of 'widow' was amended by specifying that no provision as to date of marriage would apply.
- 
- 1942/3 Joint Parliamentary Committee set up to review the Repatriation Act, prompted the following changes that no restriction as to date of marriage would apply. The time limit for wives' eligibility for benefits was increased to 15 years from the member's date of death. The time limit for wives' eligibility for benefits was increased to 15 years from the member's date of service; and business loans and a training scheme were made available for widows.
- 
- 1947 Domestic Allowance (DA) was introduced as an additional payment to widows with one or two children under the age of 16 years
- 

*Continued on next page*

# WAR WIDOWS' PENSION – VVAA SUBMISSION

## Historical Background, Continued

- 
- 1949 Full-time training under the Commonwealth Reconstruction Training Scheme became available for widows who wished to improve their occupational status. This formed the basis of the Disabled Members' and Widow's Training Scheme, which provided training necessary for certain occupations. All widows not in receipt of DA were eligible and received course fees, books, allowance for fares and training, and receipt of DA were eligible and received course fees, books, allowance for fares and training, and subsidised employment.
- 
- 1951 Eligibility criteria for DA widened to include all war widows over 50 years of age - 90% of war widows at the time. (The rationale behind the introduction of DA was to reduce the need for war widows to be employed.) A gratuity of one year's pension also was introduced for widows who remarried.
- 
- 1952 Eligibility for DA was extended to include widows "permanently unemployable" By 1975 over 98% of war widows were paid DA.
- 
- 1959 Free medical treatment provided to war widows was extended to cover treatment in non-departmental institutions, departmental out-patient clinics, specialist treatment and travelling expenses.
- 
- 1964 DA was increased to \$24 per fortnight - 63% of WWP.
- 
- 1973 War widow benefits were extended to de facto wives and widows. Personal Treatment Entitlements Cards (PTEC) were issued to veterans and widows eligible for free medical and hospital treatment under Regulation 66. PTEC's meant that eligible veterans and widows were able to visit any LMO (previously they had to visit the doctor who held their treatment entitlement card). In the same year widows were issued with the Dependant Treatment Entitlement Card (DTEC)
- 

*Continued on next page*

# WAR WIDOWS' PENSION – VVAA SUBMISSION

## Historical Background, Continued

- 
- 1985 In response to the Federal Court decision in the O'Brien case, the Government expressed concern at the 'open-endedness' of the system in that War Widows' Pensions were being granted in cases 'where common sense suggests the aging process or normal causes of death in the community were reasonable explanations'. The Government introduced legislation to have war widows' claims determined under the civil standard of proof if the claim was lodged 40 years after the veteran's service. The legislation was civil standard of proof if the claim was lodged 40 years after the veteran's service.
- 
- 1986 With the introduction of the Veterans' Entitlements Act 1986, War Widows' Pension is continued upon remarriage for widows who remarried after 29 May 1984. Commencing November 1986, Aged or Invalid Pensions paid to war widows under Social Security Legislation was restricted to a maximum of \$120.10 per fortnight. This pension often is called the part or "frozen" rate pension.
- 
- 1990 The automatic granting of War Widows' Pension was extended to include the widows of veterans in receipt of the Extreme Disablement Allowance at the time of death.
- 
- 1991 War widowers become eligible for WWP and DA.
- 
- 1992 The automatic grant of War Widows' Pension was extended to the spouses of Australian Prisoners of War who were receiving a Disability Pension at the time of their death.
-