

Schedule 5 – Service on submarine special operations Veterans’ Entitlements Act 1986

Background

In 2010 the Government reclassified any service on a submarine on Submarine Special Operation (SSO) during the period 1 January 1978 – 31 December 1992 (relevant period) as operational and qualifying service for the purposes of the VEA. Due to the continuing high level of secrecy around these clandestine operations, the eligibility test implemented for this service was almost unique in the history of veterans’ entitlements.

Specifically, eligibility for both qualifying and operational service on SSO is determined on the basis of the claimant being eligible for, or having received, the Australian Service Medal with clasp “SPECIAL OPS” in respect of SSO during the relevant period. Given the very high level of security classification which applies to these operations, DVA relies on advice from the Department of Defence in order to determine these claims, and the only information provided is confirmation as to whether or not a particular claimant has the relevant service. This information is sought and provided on a case-by-case basis.

With the inherent difficulties in obtaining precise information regarding SSO an alternative method to efficiently process veterans’ claims for the disability pension is required. This amendment creates a deeming provision to ensure that a submariner who served on a submarine on a SSO between 1 January 1978 and 31 December 1992 is deemed to have operational service for any period they served on a submarine during this period.

This would overcome the difficulty of establishing that an injury sustained or disease contracted by a submariner is related to service on a classified operation. This amendment will ensure that SSO submariners have access to the benefits to which the operational service classification entitles them, i.e. it provides that SSO veterans who lodge a claim will have access to the more favourable ‘reasonable hypothesis’ Statements of Principles (SOP), which provide for a greater range of causal factors or thresholds which are easier to meet than those in the SOP which apply to peacetime service.

Note these dates were amended and now cease 12 May 1997, the relevant section of the VEA is 6DB:

6DB Operational service—service on submarine special operations

A member of the Defence Force for whom the following are satisfied:

- (a) the member has rendered continuous full-time service on a submarine for a period that started on or after 1 January 1978 and ended on or before the end of 12 May 1997;
- (b) the member has rendered continuous full-time service on submarine special operations (the *special service*) at any time in the period beginning on 1 January 1978 and ending at the end of 12 May 1997;
- (c) the member:
 - (i) has been awarded the Australian Service Medal with Clasp “SPECIAL OPS” for the special service; or
 - (ii) has become eligible for that award for the special service; or
 - (iii) would have been eligible for that award for the special service if the member had not already been awarded it for other service; is taken to have been rendering operational service during each period covered by paragraph (a).