

	<b>BRIEF FOR VCDF</b>
	<b>REVIEW OF NATURE OF SERVICE (NOS) CLASSIFICATION FOR ADF SERVICE WITH THE UNITED NATIONS TRUCE SUPERVISION ORGANISATION (UNTSO) 1956 TO 2010</b>
Division / Directorate: MSC / NOS	Reference: O763007
Timing: Routine	Action required by: N/A

**Recommendations:**

That you:

- i. **note** that this comprehensive Defence Review examines ADF service with UNTSO since 1956, the classification of UNTSO service since 1956 in the context of relevant repatriation legislation and NOS policies, and the 2010 decision to retrospectively reclassify the period 12 July to 14 August 2006 in southern Lebanon. (Attachments A, B and C respectively)

NOTED / PLEASE DISCUSS

- ii. **note** that this review was undertaken as a result of the concern raised by the then Prime Minister (PM) when agreeing in 2010 to retrospectively reclassify a specified period of ADF service in 2006 with UNTSO as warlike service.

NOTED / PLEASE DISCUSS

- iii. **note** that the review <sup>s47C</sup>  
<sup>s47C</sup>

NOTED / PLEASE DISCUSS

- iv. **note** that <sup>s47C</sup>  
<sup>s47C</sup>

NOTED / PLEASE DISCUSS

- v. **agree** to <sup>s47C</sup>  
<sup>s47C</sup>

AGREE / NOT AGREE / PLEASE DISCUSS

**Background**

1. The ADF first contributed personnel to UNTSO in 1956. Since the early 1990s the deployments have been named Op PALADIN. The NOS classifications which apply to ADF service with UNTSO since 1956 are:

- a. Peacekeeping service from 1 June 1956 to 20 April 2003.
- b. Non-warlike service from 21 April 2003 until today.
- c. Warlike service within a specified area of southern Lebanon during the period 12 July to 14 August 2006.

2. Peacekeeping service and non-warlike service provide equivalent benefits under repatriation legislation. Both warlike service and non-warlike/peacekeeping service provide the application of the beneficial standard of proof for all claims associated with this service. Warlike service, or qualifying service under earlier veterans' legislation, provides access to a means tested service pension at age 60 and automatic entitlement to a Gold Card at age 70.

3. The period 12 July to 14 August 2006 was retrospectively reclassified as warlike service in 2010 following the receipt of a submission seeking the reclassification from an ADF member.

4. The PM, in agreeing to the retrospective reclassification, acknowledged that Defence was undertaking reviews of the nature of service classification for other periods of UNTSO service where conflict had escalated. <sup>s47C</sup>

<sup>s47C</sup>

### Claimants

5. Submissions for retrospective reclassification of any period of UNTSO service have been received from four individual claimants and one from the Australian Peacekeeper & Peacemaker Veterans Association (APPVA). The first individual claim received by Defence was in 2007 and sought reclassification as hazardous service which is a subset of the non-warlike classification which already applied.

6. Since 2008, there have been three individual claimants seeking reclassification of their individual periods of service as warlike service. Only one claim has been recognised with the reclassification of the 2006 period. As a result, four ADF members who were in southern Lebanon during the 12 July to 14 August 2006 have recognised qualifying service for other ADF service.

7. At least two of the current claimants continue to pursue their claims for warlike service for their respective periods of service with UNTSO on the basis of equity, as a direct result of the decision to retrospectively reclassify the 12 July to 14 August 2006 period as warlike service. Both claimants contend that they were exposed to similar if not greater risk of harm during their periods of ADF service with UNTSO.

### Defence Review

8. To complete the reviews acknowledged by the PM, and in order to provide a basis for considering extant and possible future submissions relating to the reclassification of ADF service with UNTSO, Defence has completed a comprehensive review of all ADF service with UNTSO from 1956 to 2010.

9. The Report of the Defence Review comprises the following papers:

- a. Chronological Review - provides an understanding of the environment in which UNTSO operated in the period 1956 to 2010. (Attachment A)
- b. Nature of Service Classification - examines the NOS classification for UNTSO/Op PALADIN within the context of the legislation and policies which applied at any given time since 1956. (Attachment B)
- c. Review of the 2010 Decision - examines the 2010 decision to retrospectively reclassify the period 12 July to 14 August 2006 as warlike service. (Attachment C)

### Key Findings of the Defence Review

10. The key findings of the review undertaken by NOS Directorate (NOSD) are that:

a.

s47C

b.

c.

11. The role of ADF members posted to UNTSO has varied over the years as a result of the changing UNTSO mission. Initially UNTSO was tasked to supervise the truce between Israel and Egypt which came into effect on 1 June 1948. This evolved to include an observation function in support of the Armistice Commissions established to help maintain peace between Israel and its Arab neighbours. ADF members, as part of UNTSO, have also been employed to support other UN peacekeeping forces established in the region; however they have always been in an unarmed observer role. Observers operate with the consent of the parties involved and are dependent on the cooperation of the parties for their effectiveness. There is no element of enforcement in their function.

12. The day-to-day threat facing UNTSO personnel is through the:

a. Inadvertent exposure to violence or from being caught up in attacks directed at other UN peacekeeping forces that they are supporting.

b. Prominent location of UNTSO observation posts/patrol bases, and the nature of the military observer foot and vehicle patrols within the AO, may be seen to expose them to the risk of becoming caught up in the hostilities between the warring/belligerent parties rather than provide protection.

13. In developing the Defence ministerial correspondence regarding the request to reclassify the 2006 period, in 2009/2010 Defence acknowledged that the specified period did not fully satisfy policy provisions for warlike service. Nevertheless, it argued for a change to the NOS classification from non-warlike service to warlike service on the basis of the level of exposure to the risk of harm to the ADF members.

s47C

14.

s47C

s47C

15. s47C [REDACTED]  
s47C [REDACTED]

16. s47C [REDACTED]  
s47C [REDACTED]

**Proposed Options**

17. The proposed options for the way ahead are:

- a. Option 1. s47C [REDACTED]  
s47C [REDACTED]
- b. Option 2. s47C [REDACTED]  
s47C [REDACTED]
- c. Options 3. s47C [REDACTED]  
s47C [REDACTED]
- d. Option 4. s47C [REDACTED]

**Consideration of Option 1**

s47C [REDACTED]

s47C



Consideration of Option 2

s47C



s47C

A large black rectangular redaction box covering the top portion of the page content.

**Consideration of Option 3**

s47C

A very large black rectangular redaction box covering the majority of the page content, starting below the section header and extending nearly to the bottom of the page.

s47C

A solid black rectangular redaction box covering the top portion of the page content.

Consideration of Option 4

s47C

A large solid black rectangular redaction box covering the majority of the page content, starting below the section header and extending nearly to the bottom of the page.

**Conclusion**

43. ADF members have served as unarmed military observers with UNTSO since 1956.

s47C



**Recommendation**

52. The recommended option s47C



**Sensitivities**

s47C



**Attachments**

- A. Chronological Review of UNTSO 1956 to 2010
- B. NOS Classification
- C. Review of the 2010 Decision
- D. UNTSO Timeline of NOS, Periods of Increased Violence and Repatriation Legislation

Approved by: Branch Head:  <b>D.J. GOLDIE</b> GPCAPT A/DGMSC  Oct 16	
Contact Officer: Mrs Jacqueline Cooper	Phone: 626 67268

Cleared by: Division Head:  <b>J.J. FREWEN</b> MAJGEN HMSC  Oct 16
--

VCDF Comments:  <b>R.J. GRIGGS</b> VADM, RAN VCDF  Oct 16
---