



A MAN who gave up a good job to enlist, but did not get away—will he get a fair deal under Preference provisions for returned soldiers? Mr. Isackson, who says he won't, is a returned soldier who lost a leg in France last war. He answers letters on repatriation problems sent to him care of "Smith's Weekly."

JOHN ISACKSON vers SYDNEY REPAT TRIBUNAL 1944 1945

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 19 August 1944, page 1

HE DARED TO CRITICISE

A SYDNEY Repatriation Tribunal has suspended Pensions Advocate of the Australian Legion of ex-Servicemen. Mr. John Isackson. Mr. Isackson has made criticisms of Repatriation Tribunal's interpretation of Section 47 of the Repatriation Act, the "Onus of Proof" section.

What goes on in Tribunals? Lawyers and public are excluded. Their proceedings are not reported; no one may appeal from their decisions. Under the Act, they are required to give a soldier the benefit of the doubt. Do they? Mr. Isackson asked. He has been suspended.

IN copies of correspondence - and statements made available last week by Mr. Isackson, the Tribunal Chairman - is quoted as saying that his criticism of the Tribunal is "not merely impertinent, but futile."

Does the Tribunal give soldiers the benefit of the doubt?

"Smith's" asks Mr. Isackson's question again," not considering it impertinent, and not as convinced as to the Tribunal of its futility.

Objecting to certain settlements attributed to Mr. Isackson and printed in the "Sydney Morning Herald" and "Hobart Mercury" of June 28, Chairman of Sydney Entitlement Tribunal, Mr. G. O' Sullivan, demanded a justification of these of these statements and got it.

Mr. Isackson wrote to the Tribunal summarising three cases which the Tribunal had rejected. He argued that in each case Section 47 of ' the Repatriation Act had not been applied.

After these summaries, Mr. Isackson added: "Following a Press comment of mine on the case of Watson, I was interrogated by the Secretary of the Tribunal. I reiterated my Press comment, and he replied that 'these were not fighting men, arid if a son of mine had not seen real service and he applied for a pension I wouldn't own him.' This statement by the Secretary forced me to conclude that he was reflecting an opinion possibly held by the Board"

July 14, Tribunal Chairman replied. Mr. Isackson's statement, he said, "amounts to nothing more than a criticism of the Tribunal's decisions which criticism is not merely impertinent, but futile."

Having laid down this Number One Rule of all Star Chambers that they must be immune from criticism by some kind of Divine Right, it is easy for the Chairman to dismiss Mr. Isackson's carefully-prepared cases and arguments with a few lines declamatory of" the Tribunal's impartiality, which omit any reference to Mr. Isackson's arguments or to Section 47. Chairman denies responsibility for the Secretary's statements "made outside the duties of his office," and that the - Secretary ever takes part in any of the Tribunal's discussions.

Chairman then proceeds to fill three pages of foolscap with his ideas on the set-up and conduct of his Tribunal which show that not only is it a secret Tribunal from which there can be no appeal, but that the Tribunal would like to "punish" anyone who dares to criticise its decisions.

"Whilst, technically, the Tribunal has not the status of a Court," Chairman's letter goes on, "its functions are nevertheless those of an adjudicating body, and it must act judicially. It hears

witnesses, examines, weighs and accepts or rejects evidence, and decides questions both of law and fact.

"On any such question there is no appeal to any other body. Its decisions are final. "Tribunal must, hold the scale evenly between the Repatriation Commission (which may be said to represent the community and to hold the public purse) on the one hand and the appellant on the other. In accordance with the principles laid down by the Repatriation Act and the general law . . . Trained counsel are not permitted to appear before the Tribunal.

" Moreover, "General public is not at present permitted to attend sittings of the Tribunal. Public are not, therefore, in a position to inform themselves, either personally or through the Press, of the manner in which appeals are conducted by the Tribunal." (CONTINUED ON PAGE 2)

HE DARED TO CRITICISE (CONTINUED FROM PAGE 1)

So, there it is a combination of Star Chamber and Inquisition, sitting in darkness, public excluded, lawyers excluded, Chairman, who must be a barrister, the only arbiter of its law and interpreter of its powers. Any reflection on the impartiality of such a dark-age jurisdiction is, in the Chairman's own words, a "matter of grave public concern!"

" But ' what does the Chairman do when criticisms are made of his Tribunal's decisions? Does he show "grave concern"?

He dismisses Mr. Isackson's considered objections to Tribunal rulings as 'impertinent and futile," and wishes he could "punish" Mr. Isackson and also the newspapers: —

"If the Tribunal had the status ' of a Court," Chairman says, "your statement would amount to a contempt of Court and both you and 'the newspapers concerned would be - held answerable for that contempt. "Tribunal has not the status, of a Court and has no power inherent or statutory- to punish for the contempt here committed.

" Statement concludes with a request for withdrawal of the charge. Tribunal got its withdrawal. Same day. July 14, Mr. Isackson wrote, accepting assurances of the Chairman and Deputy-Chairman on the alleged statement of the Secretary "I am prepared to unreservedly withdraw my charge of discrimination against the 'Tribunal as a whole or against any of its members," Mr. Isackson wrote.

"Further, I wish to make it clear "that my main anxiety ... is my belief that the Tribunal is not correctly applying the provisions laid down in Section 47 of the Australian Soldiers' Repatriation Act. This Section, as you are well aware, requires both the Repatriation Commission and the Tribunal to give applicants and appellants the benefit of any doubt as to any question, whatsoever, which arises for decision.

"You are further required by this Section to treat all, reasonable inferences in favor of the applicant or appellant, and it 'States categorically that in all cases the onus of proof to show that an appeal should not be granted or allowed in full lies on Repatriation Commission.

"My "My main Criticism of your Tribunal has been directed towards what I believe has - been, its, failure to observe these principles in the cases referred to. In saying this" I clearly state that I am not making any personal reflections on any member."

Mr. Isackson then takes Chairman's claim to impartiality of July 14, where he said, "Each of the three cases you have mentioned was carefully and quite impartially considered. . . and "It (the Tribunal) must deal with cases coming before it without bias. . . "I fail to see," Mr. Isackson says "how Section 47 permits the Tribunal to be impartial. Spirit, purpose, and letter of title Section, charge the Tribunal with the duty of being partial and biased in favor of the soldier, and, with the responsibility, of continuing to be partial-and biased in favor of the soldier until the Repatriation Commission, has been able to completely remove the weight of any contention of any kind raised on the soldier's behalf."

Summing up, Mr. Isackson states: "1 can only conclude (i) that the Tribunal does not lean towards the soldier as required by Section 47; (ii) that it regards the Repatriation' Commission as representing the interests of the community and not of the soldier; (iii) that it is concerned in the granting of pensions,. ' Not with the question of entitlement, but the question of its cause."

But in spite of the fact that Mr. Isackson had withdrawn charges of discrimination and had said clearly that he was "not making any personal reflections on any member," Tribunal Chairman preferred to consider the Tribunal still under "imputations of dishonesty."

Holding to this view, Chairman could use it to refuse all discussion of Mr. Isackson's arguments on Section 47 of the Act, and to force Mr. Isackson to withdraw his criticism of the Tribunal's decisions as though these criticisms were an attack on the Tribunal's honesty.

And the force to be used was the suspension of Mr. Isackson as an Advocate. Replying to Mr. Isackson's second letter, Tribunal Chairman says, "Had your statement consisted, of the fifth paragraph In which you express yourself 'prepared to undeservedly withdraw,' and had added to it an apology and undertaking to make these as public as the charge, it would have been no less than you could do to repair the, mischief."

Instead, says the Chairman; with the horror of all wielders of absolute, power at finding men who; won't be intimidated "having 'withdrawn,' you return to the attack with another charge that ' the Tribunal is failing in its duty. This, obviously, is too much.

"I do not propose to canvass your further remarks beyond saying that, in my opinion, they are an insolent attempt to belittle - this Tribunal."

Having delivered himself of this amazing "judicial" opinion" on considered and stated objections. Chairman, then proceeds to accuse Mr. Isackson of "quibbling" selecting "that portion of the evidence Which suited your views," having a "misconception of the Repatriation Act" and "lack of appreciation of the evidence in the bulk of the cases in which you have appeared."

And in all this flood of generalised, back-street recrimination, the Chairman makes no reference to Mr. Isackson's contentions, to the particulars of cases, or to Section 47.

Chairman then harks back to what he thinks is his grievance: "As to public criticism of ' the Tribunal." Chairman says, "there are certain well-recognised limits. Tribunal is not concerned with such criticism within due bounds, "When, however, the personal honor and integrity of its members are impugned, those limits are exceeded. In that case members of the Tribunal will take such steps as may be necessary to protect themselves and prevent a recurrence.

"Unless and until you make a public and unqualified withdrawal of the imputations of dishonesty which you have publicly charged against this Tribunal, both the Deputy-Chairman and I must, decline to hear you any further." Mr. Isackson is not accusing the Tribunal of dishonesty. He has said so twice. Nor is "Smith's", accusing the Tribunal of dishonesty.

NOBODY IS ACCUSING THE TRIBUNAL OF DISHONESTY.

So let readers take the judicial attitude so greatly admired by the Tribunal and decide why Mr. Isackson has been suspended:

Is it because he "imputed dishonesty"? >

Or is It because he criticised Tribunal decisions?

And let readers decide whether Tribunal has answered or tried to answer Mr. Isackson's objections to its decisions.

When lawyers and public are excluded from a Tribunal from whose decisions' there can be no appeal, how can the public know how the law is being administered?

"Only by public demand for accounts of its administration and answers to objections made to its rulings. And this is it!

ISACKSON SUSPENDED AGAIN

NOT for making frivolous objections, not for turbulent conduct, but for making carefully considered criticism of Repatriation Tribunal decisions and conduct and their relation to Repatriation law, Mr. John Isackson. Pensions Advocate or the Australian Legion of Ex-servicemen, has now been suspended by two Repatriation Tribunals.

SYDNEY Repatriation Entitlement Appeal Tribunal suspended Mr. Isackson the week before last. Last week, another Sydney Repatriation Tribunal, this time, the Assessment Tribunal, suspended Mr. Isackson as an advocate.

Basis of Mr. Isaacson's criticism of Assessment Tribunal, the tribunal to which soldiers dissatisfied with the rate of their pensions may appeal for a higher rate of pension, was reported in "Smith's" of 8/7/44: "I had a case before the NSW Assessment Tribunal," Mr. Isackson said. "One of the Tribunal panels, a doctor, began to ask questions — where had he served, had he ever been out of Australia? — and so on. "I objected that the Entitlement Tribunal had passed the appellant as pensionable, and that that at an Assessment Tribunal a doctor is required to decide whether a pension is commensurate with a man's disabilities, and that questions as to where he served were at best irrelevant.

"I said that this was the third occasion on which the doctor had asked questions which might be construed as suggesting 'prejudice, and therefore asked permission from the appellant to withdraw, asking for a further panel excluding the doctor to whom I objected."

July. 20, Mr. Isackson got a letter from Chairman of the Assessment Tribunal, Mr. Hugh P. Ritchie, presumably written under instructions from the Minister for Repatriation. Mr. C. W. ("Hoar") Frost:

"I have been requested by the Minister for Repatriation to inform you," Mr. Ritchie said, "that he feels that the waste of time which would be entailed if you should persist in your present attitude towards this Tribunal must be avoided; and that, as the number of appeals is increasing, it is essential. if they are to be heard within a reasonable period, that the time available be used to the best advantage.

"Regulations prescribe that the Medical Members of the Tribunal are " to be selected according to their knowledge of the nature of the disability from which the appellant is suffering.

"I am, therefore, to inform you that, with the foregoing considerations in mind, the Minister has directed that, in future, you will not be accepted as an advocate unless you write to me and undertake to proceed with the hearing, irrespective of which Medical Members happen to be acting as members of the Tribunal."

No question of the rights or wrongs of Mr. Isackson's contention — Mr. Isackson must either crawl in or walk out." July 25, Mr. Isackson replied that he had no wish to delay the Tribunal's work, but "if, in my opinion, as Pensions Advocate of the Australian Legion, the conduct of members of the Tribunal is not consistent with the true administration of justice, I claim the right to question such behaviour.

"I reiterate," Mr. Isackson said, "that the question asked by a doctor — i.e., 'had they served overseas?' — was irrelevant and had no bearing on the assessment. Furthermore, the question was repeated on three occasions. This led me to feel that the doctor had some motive which appeared to have a bearing on non-combatant soldiers.

"I would like to suggest, however, that if I can be assured that the questions asked by the doctor were, while consistent, purely incidental, I will be only too happy to proceed in the manner you suggest . . .

" There the matter rested, Mr. Isackson having no assessment cases until August 17 when he went down again with the case of Mr. C. Towle, this being the case in which he had advised the appellants to withdraw a month before.

Mr. Isackson has given "Smith's" a report of the August 17 proceedings: Chairman: Have you replied to my letter dated July 20?

Mr. Isackson: I " replied and am awaiting an answer. Chairman: Have you written stating that you are prepared to make an undertaking in accordance with the terms of my letter?

Mr. Isackson: I made no undertaking but am awaiting a reply to my letter.

Mr. Isackson: I am prepared to continue with the case of- Towle.

Chairman: I cannot accept you as an advocate unless I receive your undertaking in accordance with my letter.

Mr. Isackson: Am I to understand T have been suspended?

Chairman: Unless I receive your undertaking, T am not prepared to receive you as an advocate.

It will be seen that both before the Entitlement Tribunal and the Assessment Tribunal, Mr. Isackson raised clear and definite objections to the administration of an Act of Parliament, and that neither' of the Tribunals attempted to answer his objections, except by suspending him as an advocate.

To the Entitlement Tribunal, Mr. Isackson produced three cases in which soldiers had been denied pensions either for Army cause or Army aggravation of a condition; and claimed that in each case the denial was contrary to Section 47 of the Repatriation Act, which requires Tribunals to give appellants the benefit of the doubt, and to make all doctors and authorities prove why a claim should not be granted.

For having asked the Entitlement Tribunal to show proof, however, Mr. Isackson was suspended. For asking for an explanation of the Assessment Tribunal questions, and for asking for what in civil law corresponds to challenging a juryman, Mr. Isackson was again suspended, and in the second case, as possibly in the first, the suspension was "directed" by the Minister for Repatriation, Mr. C. W. ("Hoar") Frost.

Thus, we see a Labor member of Parliament using Government power to, suppress by intimidation the freedom of speech of ' a man whose only crime has been to ask whether an Act of Parliament is being correctly applied to compensation of soldiers for injuries suffered or aggravated during their Army service!

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 2 September 1944, page 5

FROSTS FROSTY MITT – Repat’s Shabby Tricks

THERE is plenty of evidence, as "Smith's" has shown over the past three months, in letters and statements by discharged soldiers, that Repatriation Commission, Repatriation Tribunals, and Repatriation Department were not giving discharged soldiers the sympathetic consideration required by the Repatriation Act.

"SMITH'S" showed that Repatriation Commission tended, instead of granting pensions outright, today pensions and let men argue before a Tribunal, and that this practice caused delay and inconvenience, and discouraged men from proceeding with their applications. It was shown also that Commission and Tribunals refused to accept a man's enlistment papers as indicating the state of his health when he entered Army; and instead of giving cases of undisputed disability "the benefit of the doubt," as required by Section 47, they prodded about for reasons under which they could claim the disability "Not Due to War Service." Repatriation Department and Commission were more

concerned that discharged men should comply with their innumerable forms and complexities than with doing their utmost for the welfare of discharged soldiers.

MR. ISACKSON'S POSITION

Very soon, Pensions Advocate of the Australian Legion of Ex-servicemen, Mr. John Isackson, who had given "Smith's" many instances of pensions or treatment refused, came to the forefront of the picture.

Mr. Isackson is an unusual man and as Pensions Advocate has an unusual job. He is the first Australian pensions advocate to have to argue these cases of militiamen who may not have been out of Australia, and who claim pensions for disabilities received or aggravated in Army. Arguing such cases, he argues all cases.

Such marginal cases are new, especially to Tribunals which were set up to deal with returned soldiers from last war, where all were volunteers.

But Section 47¹ of the Repatriation Act makes no difference between one class of soldier and another. Yet Mr. Isackson had several cases turned down which, in his opinion, should have received the "benefit of the doubt" under that section.

And what makes something of an unusual man of Mr. Isackson is that, although there can be no appeal from a ruling by an Entitlement Tribunal, he could not feel happy about having had his three cases turned down.

He gave them to "Smith's," and asked why they had been turned down. "Smith's" published them (24/6/44) in part, and complete, with Section 47 of the Act (19/8/44).

Because he had criticised a Tribunal judgment. Tribunal suspended Mr. Isackson as Advocate. Tribunal made no effort to explain its judgment in these three cases.

Same thing happened when Mr. Isackson objected to questions asked at an Assessment Tribunal, whether a man claiming an increased pension for Parkinsonian syndrome (he was getting only .15/- a week!). was asked whether he had served abroad.

Saying that he had heard such questions asked before, and that they had nothing to do with the assessment of a man's disability, Mr. Isackson advised his client to withdraw, and that he should seek a hearing before a new panel excluding the member who asked the questions.

For this, at the "direction" of Minister for Repatriation, Mr. C. W. ("Hoar") Frost, Mr. Isackson was suspended as an advocate before the Assessment Tribunal. Tribunal made no effort to give reasons why the questions were asked.

MR. FROST'S POSITION

Minister for Repatriation. Mr. C. W. ("Hoar") Frost, as administrator of an Act which the public has tried to make a liberal Act, and as custodian of the interests of discharged servicemen, has been icily indifferent to discharged servicemen's protests and violently obstinate to granting their claims. When they asked for a more liberal administration of the Act, he quibbled over the term "Fit on Enlistment." charged soldiers with concealing their disabilities, and said "the records of many men showed that their service has effected nothing but waste of time, money and materials."

"When Queensland United Council of Ex-servicemen complained that mentally-sick soldiers were being discharged from Army into civilian asylums without Repatriation benefits, their dependants unprovided for, their families liable to pay for their upkeep in State¹ Homes, he wrote letters expressing his smug satisfaction with the situation.

When "Smith's" published this story of shameful treatment of mentally-sick soldiers (22/7/44), all Mr. C. W. ("Hoar") Frost could say was that his Department "could hold its head up."

When public opinion and the coming Referendum made action of some sort inevitable, Mr. Frost allowed plans to go forward for a costly soldiers' hospital to be put up as a wing to a State

Asylum, instead of having a special Repatriation hospital built for the care and treatment of the ever-increasing mental casualties of this war.

Nor did he allow even the coming Referendum to jar him' out of his indifference to the fate of soldier-mental-cases: and such cases are still being discharged from Army into civil asylums without Repatriation benefits for themselves or for their dependants.

And finally, when a Pensions Advocate had the guts to stick up for the rights of soldiers under Section 47 of the Act, all Mr. Frost could do was to "direct" that the Pensions Advocate be suspended,

With such a Minister "holding up its head," how can Repatriation administration be anything ' but unsympathetic to soldiers? "Smith's" claim has been that if a man is discharged with disabilities not marked on his enlistment papers, he shall receive Repatriation commensurate with his disabilities.

But look at the administration of Section 47 of the Act, which provides that Repatriation Commission and Tribunals shall give all soldiers the benefit of the doubt shall not require them to give proof but shall require doctors and authorities to prove absolutely why a pension should be refused.

And ask what proof the Tribunal demanded before turning down Mr Isackson's case of a man enlisted half-blind and sent blind in one eye after an accident in Army, and Mr. Isackson's cases of men discharged with defective feet after they had been made to march in Army. And see what happens to Mr. Isackson when he criticises these interpretations of the Act, how-he is suspended by a Tribunal which judges in secret.

What is the use of getting new provisos into an Act when the liberal provisos already in the Act are thus administered?

Mr Frost will need to do a great deal of explaining to restore public confidence in his administration; but most important, he will have to ensure that his department is administering the Act properly before any explanations can be accepted; nor will anyone feel assured that the Act is being sympathetically and democratically administered while so fearless and able an advocate as Mr John Isackson is gagged and suppressed by its dark -age Tribunals. They must be opened to the public and to criticism.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 9 September 1944, page 4

REPAT. RUMS TRUE TO FORM

WHEN it is demonstrated in ease after case that Repatriation Department does anything but give sympathetic consideration or the benefit of the doubt to ex-Servicemen, all Repatriation Minister C. W. ("Hoar") Frost can say is that his department "can hold up its head" – not the ex-serviceman's head.

So here are some more cases for Repatriation to hold up its head about.

REPATRIATION will, not pension malaria cases, although doctors find that malaria in severe forms reduces a man's ability to work, and reduces his resistance to diseases of the throat, chest, and stomach.

Secretary, of the 2/6th Battalion. Association in Melbourne, Mr. Alex. Stewart, instances two malaria cases: Ex-VX51938, enlisted 24/2/41, formerly a farm and station worker, served in ME and NG. Got malaria in New Guinea, and pleurisy supervened while he was in hospital in Victoria. Discharged 28/3/44 with "recurrent malaria and broncho-sinusitis."

Because of these disabilities he cannot go back to farming. After three weeks in Victorian Railways Workshops he went down again with pleurisy, and had to give up his job. Doctor advised

"lightest work only." Repatriation accepts malarial condition as due to war service, but refuses to pension it, restricting this man to a 5 per cent, disability pension — i.e., 5/- a fortnight — for broncho-sinusitis and recurrent pleurisy. This means that a man who used to do heavy work and now, because of war service, must do "lightest work only" is considered by Repatriation to be suffering an almost negligible incapacity.

Ex-VX41762, enlisted 9/7/40, served in ME, Syria and NG, got malaria in New Guinea, which developed into obstructive deafness.

Discharged 27/4/44, this man got work as a supernumerary laborer in Victorian Railways Ways and Works Branch on £4/16/- a week; but because his job took him out in all weathers his malaria recurred more and more frequently. He loses working time, and seldom makes the full £4/16/- a week. He has a wife and three children. Repatriation assesses his disability as 30 per cent., or 30/- a fortnight, for his deafness, but not for his malaria, which it refuses to consider pensionable.

To whom Repatriation doctors present their "proof" of a man's condition as against the evidence of private doctors has yet to be discovered, as will be seen from an Australian Legion case. Norman O'Donnell, getting a 20 per cent, pension for dermatitis, probably chrome, was called in for examination on July 10. Repatriation doctor, O'Donnell says, did not examine his condition, but told him there was nothing wrong with him and that his skin condition had cleared up. After the examination, pension was reduced from 20 per cent, to 10 per cent. July 12, two days after the Repatriation examination, O'Donnell got a private doctor's certificate that he was still suffering from dermatitis of both legs.

Act provides that a man's own statement of his, disability shall stand, unless the authorities can prove his statement wrong.

Some time ago "Smith's" referred to Mr. C. Towle, who was getting 30/- a fortnight for Parkinsonian syndrome. This is the case over which Mr John Isackson, Legion's pension advocate, bumped Sydney Assessment Tribunal, objecting to a doctor's questions as to where his client had served.

A few weeks ago Tribunal heard Mr. Towle's appeal, and increased his pension from 30/- a fortnight to 75/- a fortnight. But although this is the same condition for which Mr. Towle got his 30/- a fortnight pension, Tribunal has dated the increase back to June 1 only; thus doing him out of two months' arrears up to April, when he was discharged and his pension began.

Mr. Isackson can produce another case of a man who applied 13 months ago for an increase and, having waited 13 months, got his increase, but not dated back to the date of his application, but from the date of hearing, 13 months later!

Mr S.J. Fullalove, former W02 of a Camp Staff, says : "Two medical examinations when I enlisted showed that my health was good. I was discharged after 18 months, due to a breakdown in health following a long period of overwork as Acting Camp Quartermaster with no assistance, although establishment calls for 11 personnel."

Onus was on Tribunal to prove him wrong. Firstly says Mr. Fullalove, Tribunal asked him: "Why didn't you bring evidence from your doctor about your health before enlistment?" although each member had a copy of his doctor's report of his preliminary medical examination.

Next Tribunal asked why he had been examined by a panel of doctors in January, 1942. "This ' was a routine examination insisted ' on by Army following a first ex-amination by a private doctor," ' says Mr. Fullalove, "yet I was practically told, in a very indignant ' manner, that my health must have been unsatisfactory to warrant such second examination."

Tribunal then asked if he had ever been accepted as first-class ' risk by life insurance companies, and he said yes, by AMP and National Mutual Life, for £100 in the Ordinary Branch, in 1936.

"Were you medically examined prior to issue of the policy?" Tribunal asked, and ' Mr. Fullalove said he wasn't. 'Why was a policy issued in the ' Ordinary Branch without a medical examination?" Tribunal asked.

"Well," says Mr. Fullalove, "that had me stumped, as I do not control the policy of the AMP Society in such matters, and I told the Tribunal so."

Having this evidence before it, and having asked these questions. Tribunal, which is required by the Act to give the benefit of the doubt to any facts adduced for an appellant, and to require proof from all opposing a claim that an incapacity is not aggravated or caused by war service, decided that Mr. Fullilove's incapacity was "not attributable to, nor materially contributed to, by your war service."

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 16 September 1944, page 4

REPAT. IS ABOVE THE LAW

Disagrees with nine doctors

REPATRIATION Minister, Mr. C W. ("Hoar") Frost, has two ways of countering criticism of his department. First is the "Portland Butcher" technique. When Mr, John Isackson, Pensions Advocate of the Australian Legion, produced three cases which he said had not been accorded the benefit-of-the-doubt or onus-of-proof provisions of Section 47 of the Repatriation Act, Mr. Frost's department made another Mr. Dargin of Mr. Isackson, suspending him as an advocate. Mr. Frost and his Tribunals being above the law, neither Mr. Isackson's courage nor public indignation can so far make any difference, any more than they could have in Germany in the 1930's.

MR. C. W. ("Hoar") Frost's other way of countering criticism is to make the first statement which comes into his head which looks like justifying his Department. A fortnight ago he said servicemen could not be put into asylums except with consent of the nearest relative; and this was denied ("Smith's," 9/9/44) by NSW Minister for Health, Mr. Kelly.

This method of countering criticism seems popular in Repatriation circles. June 27, 1944. Acting Chairman of the Repatriation Commission, Mr. J. Webster, wrote to "Smith's": "Repatriation Board or Repatriation Commission, although not bound to do so, invariably accepts the recommendation of the Service Discharging Board on the question of attributability " At the time. "Smith's" printed a case which contradicted this statement of policy; but here is another, from Victorian RSL paper, "The Duckboard," in which Repatriation Board and Commission are shown disagreeing with nine Service doctors. Infantry instructor, a veteran of the 1914-18 war, had a haemorrhage at a country camp during this war, and was sent to Melbourne for X-ray. After two years' more service he had to report sick and was admitted to a base hospital and then to Heidelberg Military Hospital. No ulcer was found at any of the examinations, and after X-ray at Heidelberg he was recommended for discharge as a Repatriation case suffering from chronic gastritis and handed forms to apply for pension.

His claim that his condition was due to, or aggravated by, war service was supported by (1) his own doctor; (2) the Army doctor at the camp where he had the haemorrhage; (3) the Medical Officer at the Base Hospital; (4) the attendant doctor at the ward at Heidelberg; and (5) the Referee Board of three doctors at Caulfield (who all certified he was suffering from chronic gastritis due to or aggravated by military service).

Repatriation Board turned down his application for a pension on the ground that his condition was not due to or aggravated by war service. He appealed, was examined by a Repatriation doctor, and his appeal was dismissed by the Commission.

Finally, he appealed to the Tribunal, watering down his complaint from "Chronic Gastritis" to "Dyspepsia." Tribunal found his "Dyspepsia" attributable to war service, and Repatriation Commission assessed his disability at 10/1 a fortnight, or 5/0 ½ a week

He appealed against this assessment to Assessment Tribunal, on grounds of special diet, Inconvenience of special culinary arrangements to his family, pain and suffering, loss of employment and prospects, and produced a certificate showing he had missed 56 days' work out of 280.

Assessment Tribunal heard the evidence and asked these questions:

Doctors: Do you drink? Appellant: I have been a teetotaler since I contracted the disability over three years ago.

Doctors: Do you smoke? Appellant; I haven't smoked for two years.

Doctors: Do you drink with your meals? Appellant: I drink immediately after my meals.

Doctors: That's your trouble! After advice to drink an hour or two after a meal and a remark that Repatriation Department was anxious to help, he was told everything would be all right. But his appeal for higher assessment was dismissed.

So much for Mr. Webster's contention that Repatriation invariably accepts the recommendation of the Service Discharging Board on questions of attributability.

Mr. Julian Terrantroy joined RAAF in December, 1941, and was discharged July 17, 1942. He became ill in the Service, a doctor operated for appendicitis, and after the operation Terrantroy was sent back as fit to Camden. There he became ill again, with disagreeable symptoms, and after some difficulty got an MO to examine him. MO diagnosed haemorrhoids. Terrantroy was transferred to Tamworth. where a new MO began treatment for haemorrhoids.

He says he was very ill in Tamworth, and once had to be carried from a lavatory to the station hospital. Nevertheless, he was sent to Melbourne to do a special course and being AWL for reasons connected with his illness, got seven days' CB and fined three days' pay, the MO refusing to substantiate his case. Having written of this to his wife, he was forced to apologise to the MO for statements his wife made in a letter to Air Board.

Soon after this, he says, the MO agreed to give him a Medical Board, but before giving him the Board, gave him a statement to sign. Statement, says Terrantroy, was that he had had haemorrhoids before he joined RAAF. Terrantroy now says he signed this statement to get the Board, and that in his job before joining RAAF he had worked 3 ½ years with only one day's sickness.

Board proceeded, and decided Terrantroy was not suffering from haemorrhoids at all, but from prolapse of the rectum, with which condition he was discharged.

He went back to his former Job of metal polishing but, was unable to work at it; and a further Job of night work on munitions he had to give up in a week. For six months he could not work at all. He mortgaged his home to set up a poultry farm, but could not get the money to complete it. Manpower got him a nightwatchman's job at an airplane factory, but he and other nightwatchmen were put off after 10 days, when the Metropolitan Night Patrol took over: and he is now driving a laundry van, although he finds lifting laundry parcels is more than his constitution will stand.

About five months ago he was called up again for Army, and the examining MO told him he couldn't understand why he had been called-up in that condition, and advised an immediate operation.

Terrantroy doesn't want a pension from Repatriation; he wants treatment or an operation : but Repatriation turned down his application for entitlement without an examination, and, he thinks, solely on the strength of the paper he signed before his Army . Medical Boarding. Circumstance of a sick man being asked to sign such a statement is so peculiar that, for the reputation of Air Force, Mr. Drakeford should investigate Mr. Terrantroy's story.

Meanwhile Manpower has told Mr. Terrantroy that he has been out of Army too long for them to do anything more for him. and has graciously given him a free hand to find suitable employment for himself.

Another curious case is that of Ernest Noel Talbot, who was enlisted on October 15. 1941. medically examined and found FIT. Mr. Talbot had had an accident before enlistment, and suffered pierced ear-drums, but this did not stop Army calling him FIT and sending him to New Guinea, where various explosions in his neighbourhood caused a discharge and other disorders to his ears.

Repatriation refused him a pension for Army aggravation of his condition. While in New Guinea. Mr. Talbot got a lump on his leg. Army diagnosed cancer (sarcoma), and it was on this that he was discharged, and, since cancer is one of the disabilities which Repatriation passes by on the other side, left to get treatment in a civil hospital.

At a civil hospital he was operated upon, and he applied for & pension or treatment from Repatriation. being determined to see the thing through, cancer or no cancer.

July 6, Repatriation Commission, to which he had appealed from Repatriation Board's decision, asked for authority to have access to X-ray files and clinical notes of his case at Royal Prince Alfred Hospital and Camperdown Hospital; and on July 14 notified Mr. Talbot that his appeal to Repatriation Commission had been dismissed.

Strange thing about these many strange things is that Mr. Talbot cannot find out from the civil hospital what he was suffering from. But the civil hospital authorities assure him. It was not cancer: and the superintendent at the hospital in which he was operated upon says that It was so rare an affliction that he could find only one mention of it in his text-books.

Now, if Repatriation Commission were not above the law, and if Mr. C. W. ("Hoar") Frost were not Minister for Repatriation, it might be argued that, under Section 47 Of the Act, Mr. Talbot is entitled to some proof from Mr. Frost and the Commission that his aggravated aural disorder and his anonymous lump in the leg are not due to war service. That is the law; that is Section 47 of the Repatriation Act.

But the Repatriation Commission is above the law; and Mr. C. W. ("Hoar") Frost is Minister tor Repatriation.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 23 September 1944, page 4

REPAT.'S STRANGE QUESTIONS

CAREFUL reading of the Repatriation Act shows no discrimination between soldiers who have served in Australia and soldiers who have served abroad. Except for Repatriation Act, a soldier has not the common right to Workers' Compensation. But in practice, strange questions are asked under secrecy of Boards, Commissions and Tribunals. Mr. John Isackson, Pensions Advocate of the Australian Legion, challenged such a question asked by a member of an Assessments Tribunal, and Minister for Repatriation ordered Mr. Isackson's suspension. And further protests and challenges are drowned in the drooling of that perpetual phonograph, Mr. C. W. ("Hoar") Frost, caught in the groove of his record of "All is well; all is well."

MR. P. G. COOLEY, of Claremont (WA), joined the Militia in January, 1939, went on to full-time duty at the beginning of the war in September, 1939, and was transferred to AIF in May; 1940. His health declined, and he was discharged from AIF in October, 1940; but on the day after his AIF discharge he went back to the Home Forces.

While Mr. Cooley was in Northam Camp a soldier in his hut developed meningitis. All in the hut were isolated and treated. Mr. Cooley was the only man in the hut besides the sick soldier

whose test did not show negative; he was rushed to Perth for a specialist's examination; but further tests were said to be negative.

Some 12 months later, on November 20, 1941, Mr. Cooley was taken ill at his home while he was on week-end leave, but managed to report back at camp. He was sent to Swan Barracks, and certified to have spinal meningitis.

He asked to be medically boarded for discharge, but his CO said he could have his discharge without the board and he was due for discharge on November 22. But he was taken to the infectious diseases hospital, and his discharge was dated December 22, 1941.

Before leaving the infectious diseases hospital, he asked to be boarded, but the doctor said that as his discharge had already been granted, he could not put him before a medical board.

Mr. Cooley was called up for medical examination on June 23, 1941, the usual examination made six months after discharge, he was certified medically unfit, and suffering from bronchial asthma, catarrh and rheumatoid arthritis. Thereupon he applied for a Repatriation pension, on grounds that his disabilities arising from Army service would apparently permanent, and would prevent his resuming his trade as a painter.

Repatriation Board and Commission turned him down, and on October 12, 1943, he got to the Appeals Tribunal, which said that any disability from which he might be suffering was "not attributable to, or materially contributed to." by his war service. Mr. Cooley claims the meningitis germs were in his system 12 months before becoming malignant; and stresses the fact that he was the only man in the hut where the disease was first contracted whose test did not show negative results.

Under Section 47 of the Repatriation Act, the onus is on the Repatriation Board, Commission and Tribunal to show absolute proof that Mr. Cooley's contention is invalid; otherwise, Section 47 requires that Mr. Cooley shall be given the benefit of the doubt.

But whether this is the point involved in the rejection of Mr. Cooley's case, or whether the point involved is contained in a very curious question put to Mr. Cooley, the secrecy which surrounds all Repatriation decisions makes it hard to decide.

Question asked, during Mr. Cooley's first board hearing, have you had any service overseas?"

It is stated says "Smith's" WA representative, "that this question is being repeatedly asked of applicants. Why? Are not men who have sustained a disability in Australia entitled to consideration?"

Readers of "Smith's" over the past few months will know that Perth is not the only place where such questions have been asked. Questions put to men seeking pensions often have singularly little to do with the medical points involved. President of the Past and Present Unaccepted War Disabilities Association complains of a Tribunal member:

"He asked a highly respected man with all his three children voluntarily in the Forces - 'Do you live with your wife and children?' Could any man get a more insulting or ignorant question put to him? Question is medical, and not social. Again, when this Tribunal member was told that the appellant's three children all enlisted under age, he replied that possibly their father had no say in the matter."

Or take the case of Mr. A. G. Hann, of Burra (SA), who enlisted in July, 1940, and after a few months' training developed pleural effusion, lost four pints of blood, and was discharged after seven or nine months in hospital, after more than 20 X-rays, and much treatment by many doctors and specialists, with Repatriation rights.

But his application for pension was turned down by Repatriation Board and Commission. Yet Entitlement Tribunal gave him his claim in respect of effects of pneumonia, which was assessed at 60

per cent; and Mr. Hann still being off and on in hospital, he got an' extra 10 per cent added for Hypertension.

Then, after he had been some time in Keswick and Burra Hospitals, he was put on to a 100 per cent pension. Later he was discharged, still very ill, starting work again for the first time in three years, and doubtful whether he would be able to keep going. But on June 25, 1943, Repatriation wrote that, that, as he had left hospital, his pension would be reverted to 60 per cent. He appealed against this this reduction to the Assessments Tribunal. Assessments Tribunal responded by reducing the assessment by a further 10 per cent, to 50 per cent. And, says Mr. Hann, "First thing the doctor asks at Assessments Tribunal— — 'Had I been overseas?'"

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 30 September 1944, page 7

"HAVE YOU SERVED ABROAD?"

TIME and again complaints are made to "Smith's" that members of Repatriation Tribunals, both Assessment Tribunals and Entitlement Tribunals, ask ex-soldiers applying for pensions: "Have you served abroad?"

WHY do they ask this question?

To men in AIF, RAAF or RAN it is not only impertinent, but unfeeling. Men who volunteered for these services have no choice but to serve wherever in the world they are told to serve. If they are told to serve in Australia, they have to stay in Australia. It is an outrageous question to ask of men, of such men as those in the armored units who have been sitting, around in Australia for three and four, years, breaking their hearts to get into action, but unable to get out of the country, where they ' have been forced to waste the best years of their lives.

If these men are disabled by accident or sickness while they are in the Army in Australia, what right, has a member of a Repatriation'. Tribunal to ask them if they have served abroad?

And, since Repatriation Act makes no distinction, except in special cases of tuberculosis, between men who served in Australia and men who served overseas, why is the question asked at all?

If a man's place of service is Considered when Tribunal is making its decision, what can be said about the impartiality of the Tribunal?

Even with cases of militiamen called-up for Army service — and Minister for Army claims that majority of Australian Army is A.I.F. — the Act makes no distinction. It is their Workers' Compensation Act; it is the only insurance they have against disabilities caused or aggravated by Army life.

In case after case printed in "Smith's" during the past few months, it has been shown that Army has called-up men with obvious disabilities and forced them to serve. Men with foot trouble have been made to march.' Men with more than 50 per cent defective sight have been passed for service. And when their condition has worsened in Army, these men have been refused Repatriation benefits. Now, even an AIF father would feel that if Government called-up his half-blind son, or his son with malformed feet, Government should do something for the boy if his service worsened his condition. Yet Mr. Frost can argue, as a reason for refusing to accept Army's classification of a man. on enlistment, that "the records of many men showed that their service has effected nothing but a waste of time, money and materials!"

In the cases to which "Smith's" has referred, whose fault is it? If men are forcibly enlisted unfit, and as a result waste time, money and materials, is that a reason, why a Labor Minister should try to write the men off as well as the materials?

Pensions Advocate, John Isackson, protesting against the theory that wasted men can be dumped on a ' scrap-heap and forgotten, "was Suspended as advocate; and it. looks as though Mr. Frost has come pretty near to having Mr. Isackson himself dumped on the scrap-heap. A great triumph for Mr, Frost.

As a result of which, Tribunals still sit in secrecy, and still ask men if they have served abroad; and the remarks of a Tribunal Chairman on the necessity for considering the public purse when he is making his decisions are possibly the best explanation of the profound satisfaction of Mr. C. W. ("Hoar") Frost and his Government with the situation. . .

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 21 October 1944, page 6

FROM time to time people make suggestions for improving Repatriation Act's administration. A Commonwealth Civil servant, with considerable experience of Repatriation Commission and Repatriation Tribunals, has suggested:

1. THAT barristers and solicitors be allowed to appear before Entitlement and Assessment Tribunals.
2. That a Court of Appeal be set up above Entitlement and Assessment Tribunals: Court to " be a Judge of the Supreme Court in the State where the applicant lives, sitting with a government nominee and a nominee of ex-servicemen in receipt of pensions.

It must be remembered that the Tribunals themselves were set up in 1929 for this same reason, to meet the wishes of soldier organisations which considered that their members had been wrongly denied pensions by Repatriation Commission.

From 1929 to 1942 Entitlement Tribunals dealt with 32,210 appeals and upheld 6276. and during the same period Assessments Tribunals, dealt with 38,904 appeals and upheld 13,644. So some 6000 ex-soldiers have to thank Tribunals for their pensions and some 13,000 for higher pensions.

Perhaps the establishment of yet another Appeals Tribunal might raise the percentage of successful appeals still further. At the same time it would seem to be a cumbrous way of getting an Act of Parliament administered.

But in mentioning barristers, solicitors and Supreme Court Judges, the Civil servant is probably suggesting that his Appeals Court should sit like a Court and deal like a Court, administering the Repatriation Act according to the law. and opening its proceedings to Press and public.

In this case, it should not be necessary to add a higher Tribunal, but merely to reform the present Tribunals, making them into Courts, and thus drawing them into the stream of law administration which can flow on to the Privy Council.

This would involve alteration of the Act, as where, in Section 47, it says that Repatriation Commission: Boards and Tribunals - "shall not be bound by technicalities or legal forms or rules of evidence."

There are many who have experienced this loose and "sympathetic" administration who feel that they might have got a better deal from strict law.

Rut there are many, more, and their opinions carry great weight in soldier-organisations, who oppose bringing Repatriation into open court.

They say soldiers would not like news of their injuries, disabilities or diseases to be reported in the Press. They speak of the great sorrow and the widespread disruption of homes that would follow certain facts getting out. Their general picture of ex-servicemen's private affairs does not err on the side of pleasantness.

Thus, in the fears of some of the ex-servicemen themselves, the powers of darkness find their strongest ally: and Government, which holds men's private records in its hand, can commit all

ex-service men to acquiescence in secret decisions, incommensurate pensions, or no ' pensions at all.

A different suggestion was put to the Curtin Government recently by Senator Brand, for "appointment of a committee of five members from both Houses of Parliament to hear requests or complaints from any outside body or from other members of Parliament in regard to the Repatriation Act and other matters affecting returned soldiers."

September 15, Mr. John Dedman wrote back on the Prime Minister's behalf: "This matter has received the consideration of the Government, and it has been decided not to adopt your proposal."

Government thus assumes full responsibility for doing nothing, interfering only to cause Mr. John Isackson, when he questioned the administration of Section 47, to be suspended as a Pensions Advocate.

Sydney Morning Herald (NSW: 1842 - 1954), Wednesday 1 November 1944, page 3

PENSION OFFICER SUSPENDED **Sequel to Criticism of Tribunal**

The council of the Australian Legion of Ex-Service Men and Women last night decided to suspend its pension officer, Mr John Isackson, until he complied with an instruction to withdraw, in writing his recent criticism of the War Pensions Entitlement Appeals Tribunal.

Mr Isackson was previously suspended by the tribunal from appealing before it as the legions advocate.

The president of the legion Mr. B T McDonald said last night that the State council was wholeheartedly behind Mr. Jackson in his criticism of the tribunal. It felt as he did that the tribunal did not give servicemen the benefit of any doubt as was intended by section 47 of the repatriation Act. It proposed immediate legal action to challenge the tribunals right to sit in camera.

Mr. McDonald said that Mr. Isackson had informed the tribunal after his suspension that he did not make any imputation against the honesty of it's members. The chairman claimed that the apology was qualified by Mr. Isackson's original criticism and refused to accept it.

The State council then instructed Mr Isackson to write to the chairman, stating that no qualification of his withdrawal was intended.

Mr Isackson declined to obey this instruction and was suspended for that reason.

Mr. Isackson said: *"Had the members of the Pensions Tribunal at any time pointed out to me where I was wrong. I would have been only too happy to withdraw my remarks, but no such explanation was ever made.*

In view of this, I feel that my criticism is justified. I believe that the only accusation that could ever justify be made against me is that I fought too hard for the ex-servicemen."

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 11 November 1944, page 4

LEGION MAY GO TO COURT OVER PENSIONS

LAST week, Australian Legion of Ex-servicemen and Ex-servicewomen sought opinion of a well-known constitutional authority on six points affecting Repatriation Tribunals, and especially affecting servicemen denied pensions by Repatriation Tribunals.

QUESTIONS were:

1. Does an action at law lie for a pension, and against whom would it lie?
2. What, would be the conditions to be fulfilled and the steps to be taken by an intending applicant before such action could be brought?
3. What defences could be raised to such an action?
4. What would be the appropriate Court to which such an "action should be brought, and how should it be instituted?
5. Are the War Pensions Entitlement Tribunals and the War Pensions Assessment Tribunal valid judicial bodies having regard to Sections 71 and 72 of the Constitution of the Commonwealth of Australia, and what is the effect of these Sections upon them?

6. What is the proper interpretation of Section 47 of the Australian Soldiers' Repatriation Act?

Sections 71 and 72 of the Constitution provide for establishment of Federal Courts:

"71: The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other Federal Courts as The Parliament creates, and in such other courts as it invests with Federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as The Parliament prescribes.

"72: The- Justices of the High Court and of the other Courts created by the Parliament:

"1. Shall be appointed by the Governor-General in Council:

"2. Shall not be removed except by the Governor-General in Council, on an Address from both Houses of The Parliament in the same session praying for such removal on the ground of proved misbehaviour or incapacity:

"3. Shall receive such remuneration as The Parliament may fix; but the remuneration shall not be diminished during their continuance in office."

Section 47 of the Repatriation Act says: "47. — The Commission, a Board, an Appeal Tribunal ; and an Assessment Tribunal, in hearing, determining or deciding a claim, application or appeal,' shall act according to substantial justice and the merits of the case, shall not be bound by technicalities or legal forms or rules of evidence and shall give to the claimant, applicant or appellant, the benefit of the doubt —

"(a) As to the existence, of any fact, matter, cause or circumstance which would be favorable to the claimant, applicant or appellant: or

"(b) As to any question whatsoever (including the question whether the incapacity from which, the member of the Forces is suffering or from which he has died was contributed to in any material degree, or was aggravated, by the conditions of his war service) which arises for decision under his claim, application or appeal.

"(2). It shall not be necessary for the claimant, applicant or appellant to furnish proof to support his claim, application or appeal, but the Commission, Board, Appeal Tribunal or Assessment Appeal Tribunal determining or deciding his claim, application or appeal shall be entitled to draw, and shall draw, from all the circumstances of the case, from the evidence furnished and from medical opinions, all reasonable inferences in favor of the claimant, applicant or appellant, and in all cases whatsoever the onus of proof shall be on the person or authority who contends that the claim, application or appeal should not be granted or allowed to the full extent claimed."

October 14, "Smith's" put the case that Section 47 was "High-class Hooey," on the grounds that the clause about not being bound by technicalities or legal forms or rules of evidence invalidated all the other provisions, that the "onus of proof" clause does not specify to whom proof must be given, that proof or reasons are never given to the public or the applicant that the only advocate who tried to test the Section was suspended; and that it is impossible to know how an Act is administered if it cannot be tested.

Question of administration and meaning of - Section 47 was first' raised by Mr John Isackson, then Pensions Advocate of the Legion.

Having criticised Sydney Entitlement Tribunal in the Press, Mr Isackson was asked to withdraw what Tribunal considered "imputation of dishonesty." In a letter to the Chairman of the Tribunal, Mr Isackson denied imputing dishonesty ("Smith's," 19/8/44). Mr Isackson's letter, drafted, it is understood, with approval of the Legion, then instanced three cases in which appellants had been refused pensions and summed up:

"I can only conclude (i) that the Tribunal does not lean towards the soldier as required by Section 47; (ii) that it regards the Repatriation Commission as representing the interests of the community and not of the soldier; (iii) that it is concerned, in the granting of pensions, not with the question of entitlement, but with the question of cause."

Chairman's answer was to suspend Mr. Isackson as advocate.

Thus the Legion was deprived of an advocate for its pensions cases, and the matter dragged on, Government and Tribunal sitting pat, until the new Council of the Legion decided as part of a new plan of action to ask Mr. Isackson to write to the Chairman of the Tribunal, withdrawing all his remarks, without qualification.

Mr. Isackson refused, and on October 31 was suspended by the Legion itself from his position as Pensions Advocate.

Thus ends in apparent defeat, and disruption as uncompromising a fight as a man ever put up for his convictions; and it may be wondered whether Mr Isackson's decision to fight to a finish was worthwhile. Answer to that is the new interest shown everywhere in the Repatriation Act and in administration of Section 47 by Mr Isackson's stand; for instance, in the recommendation of the RSL Special Committee on Rehabilitation on November 2. that a rejected applicant for pension "should have the right of ultimate appeal to an. Arbitrator having the qualifications of a Supreme Court Judge, whose award should be final."

Similar suggestion was made in "Smith's" on September 30 by a Queensland Civil servant with considerable experience of Repatriation Tribunals, who also suggested that barristers ' should be allowed to appear before tribunals.

And if Mr Isackson had not raised the question in the first place) and raised it with such force, who would have dared to criticise Repatriation Tribunals, or thought it worthwhile to demand their Improvement? Another result of Mr Isackson's stand was the elevation of his Legion of Ex-servicemen to such a height in the estimation of ex-soldiers that other ex-soldiers' bodies, the RSL included, were put on their mettle and roused by the challenge to new and greater efforts on "behalf of their own members.

It is to, be hoped that the Legion itself, having parted with Mr Isackson over a question of procedure, will not fail in its determination to challenge the rulings and constitution of the Tribunals.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 2 December 1944, page 3

"REPAT. TRIBUNALS INVALID"

WELL-KNOWN Constitutional authority, Dr. Frank Louat, says Repatriation Tribunals and Boards, and the Repatriation Commission, are invalidly constituted. He says also that certain discharged soldiers have "reasonable prospects of success" in an action against the Commonwealth for a pension.

Adding that the " Onus of Proof Section."

Section

47, would not be valid in a court of law, Dr. Louat confirms "Smith's" opinion that Section 47 is no better than a brilliant piece of High-class Hooey. NOVEMBER 11, "Smith's" printed six questions on

Repatriation Act for which Australian Legion of Ex-servicemen and Ex-servicewomen asked an opinion of Dr. Frank Louat.

Dr Louat, in his opinion made available to "Smith's" by the Legion, answered under two headings:

1. Whether Repatriation Commission, Boards and Tribunals held valid judicial power under the Constitution.

2. Whether a discharged soldier could sue Commonwealth Government for a pension, and how to go about it.

To the first question, Dr Louat answers that "the Board and the Commission so far as they exercise the function of adjudicating on the right to pensions and the two Appeal Tribunals are invalidly constituted."

Basis of Dr. Louat's opinion is that Commonwealth Constitution requires all judicial appointments to be made for life. He contends that Repatriation Tribunals, and also Repatriation Boards and the Repatriation Commission, exercise judicial power, and that, because they are not appointed for life, they are not validly appointed.

"All the tribunals established under the Act," Dr. Louat says, "have power to summon witnesses and take evidence on oath, and the intention of the Act would appear to be clear that each of these to arrive at its determination by means of a hearing.

"Functions of the Board under Section 27 therefore involve the determination on evidence of a question arising between an applicant for a pension and the Commonwealth. Neither the board nor the two appeal tribunals consist of personnel appointed for life in conformity with the judicature provisions of the Constitution.

"In my opinion the functions of these tribunals are an exercise of judicial power, and the tribunals are therefore invalidly constituted."

Leading up to his answer to the second question, whether a discharged soldier may sue for a pension, Dr. Louat sets out that a man suffering incapacity under the first Division of Section 24, a man whose incapacity "results or has resulted from any occurrence happening during the period he was a member of the Forces," has an absolute right to a pension.

That is, he can go to law with the Commonwealth for his pension, without worrying about Repatriation authorities. Right of such a man to a pension, Dr Louat says, "is not made to depend, in all events in express terms, on the opinion of the Board or Commission."

But the absolute right does not extend, in Dr. Louat's opinion, to a man who comes under the second Division of Section 24, the man whose incapacity, "in the opinion of a Board" . . . "has been contributed to in any material degree or has been aggravated, by conditions of his war service."

Thus Dr. Louat opines that a man whose incapacity can be shown to have been caused during Army service is entitled to sue the Commonwealth Government for a pension, whereas the man whose incapacity can be shown only to have been aggravated by his Army service is restricted to the decision of a Board, and cannot sue.

This is made clear where Dr. Louat describes an applicant who would have "reasonable prospects of success."

"Applicant, who is to be plaintiff, should be a member of the Forces and not a dependent. He should be a person whose incapacity can be proved by evidence to be of a kind falling within the express terms of Section 24 (1). He should be a person who has made his claim within the time prescribed by Section 24 and has had it refused, at all events by the Board. It should not matter, and indeed would be preferable, if his claim had also been refused by the Commission and the Entitlement Tribunal."

But Dr. Louat's specifications rule out the man whose injuries have been aggravated by his Army service; a very important class of case to the criticisms which the Legion, Mr. John Isackson, and "Smith's Weekly" have been making of Repatriation administration. On an even more important issue, the interpretation of Section 47, Dr. Louat cannot help the soldier at all. In suing for a ' pension under common law, Dr. Louat says. Section 47, with its clause putting onus of proof on Government, its clauses about giving the benefit of the doubt to the applicant and not being bound by legal forms or rules of evidence, would not apply.

"Even though all legal difficulties are successfully overcome, the plaintiff will be without the benefit of the evidentiary provisions contained in Section 47 altering the onus of proof, so that he will have upon him the normal burden of any plaintiff who comes into court of proving his own case fully."

Dr Louat says that an action to recover a pension should be instituted in a court in which the parties will have the benefit of pleadings; and that either the Supreme Court or the High Court would be competent to entertain it. Long and short of the opinion seems to be, that although no immediate advantage to soldiers generally might come from one soldier going through the costly process of suing for a pension, one action at law might get Repatriation Boards, Commission and Tribunals, declared invalid.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 9 December 1944, page 4

By John Isackson

MR. ISACKSON will deal each week with servicemen's problems for "Smith's." He is a Digger of World War I, in which he lost a leg at the Battle of Fleurbaix, in France. He has had wide experience, having worked as a member of the Repat Commission staff, and latterly as an advocate before Pensions Tribunals, until he was suspended for being too forthright. He can't be too forthright for "Smith's."

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 16 December 1944, page 4

ZOOT SOOTS OR NUDISTS GET SOMEONE TO WRITE

By John Isackson

PROBLEMS of the Services are dealt with by Mr. Isackson for "Smith's" each week. If you — soldier, sailor, airman— have a problem, send it along, and John Isackson will see what he, can do for you. He is widely experienced in Repat and Pensions problems.

A SOLDIER may have disposed of his civilian clothing on enlistment, or a young soldier may have outgrown his civilian clothes, or a soldier' clothes may have been used or worn by his younger brothers, or cut- into skirts for his wife.

On discharge from Army, according to many complaints I have had about delayed issue of Zoot Soots, such a soldier has three courses open to him: —

1. Go on wearing uniform until his Zoot Soot arrives.
2. Buy civilian clothing with his Deferred Pay.
3. Join the Nudists.

I suggest that if Nudist Associations are looking for members, they should station a couple of recruiting officers at the Discharge Depot. I feel sure they would be very successful. Even if they were "Put In" occasionally, they would swell their ranks and perhaps in time get prompt delivery of Zoot Soots for ex-servicemen.

How many discharged men have never applied for their Zoot Soots?

How many have applied I and given up in disgust?

Why the endurance test? Perhaps it may be profitable, but not for ex-servicemen.

A discharged soldier complained to me that he had been waiting 10 months for his Soot. He had made many requests, but could get no satisfaction.

I wrote to the General, Discharge Depot, and got an answer that the matter would receive attention.

At any rate it was nice to know that it had not been forgotten, and it was nice of them to answer my letter I felt that maybe there was a faint hope for the man and his Zoot Soot.

But within a week he received a letter advising him to collect!

So all you have to do is get some person to write in your behalf.

Matter will then receive consideration, and within a week a miracle happens — you get your Zoot Soot! Your clothing allowance on discharge forms a very small part of the adjustments necessary. To make ex-servicemen feel that whatever duty they may have performed was not in vain, their reward should be rehabilitation equal at least to their condition before enlistment.

No man wants to feel that he is only fit for the scrap heap.

Every man and woman who leaves the Forces should be encouraged in citizenship and given the confidence that they can still perform useful duties and be assets to the nation.

But while there is incompetence, those who have served will feel inferior.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 23 December 1944, page 4

NAVAL MEN AND COMPENSATION

By John Isackson:

THIS week Mr. Isackson deals with what every serviceman will agree is a case of flagrant injustice to an Australian Navy man. Is there one law for the Navy and another for the rest of the community so far as compensation is concerned? Servicemen are invited to write to Mr. Isackson, e/o "Smith's Weekly," Sydney, if they have any pension or rehabilitation problems.

DO you know that from the time a Navy man steps off his ship to go on leave until the time he steps back on the ship he is not covered by compensation?

That is to say should he. Meet with an accident while on leave, he gets nothing. And Navy civilian workers? Compensation provides that, should a person be injured going to or from work, he shall be compensated. Though a Naval rating is at all times under orders, must always wear uniform. (it is a breach of regulations for him to wear civilian clothing), and can be recalled from leave at any moment, he has not the right, even, to compensation for injury sustained while going to or from his ship. A young discharged Naval member called one day at my office. He told me 'he had lost his leg on leave. Five minutes after leaving his ship he was crossing a road and was hit by a vehicle. He was subsequently discharged from Navy without compensation.

LIMBLESS IS LAWLESS

Nor would Navy stand him an artificial leg. Navy left it to this man's fellow-ratings to send round the hat for money to buy him an artificial leg. I made inquiries, and was told that Naval regulations made no provision for such cases.' -

Law of our country provides that every worker shall get compensation for injuries received during working hours or while travelling to and from work. Has any employer in this country, irrespective of the type of employment, the right to evade the law?

A Naval man is employed by Navy, and as such is an employee of the Crown, and should have the protection of the law. "What right has any section of our community to pass regulations to the contrary?"

Naval men are those in our community who are employed to protect our shores, men with a great sense of loyalty and duty, who live dangerously and suffer great hardships. What would be Australia's fate to-day if it were not for such men?

But because their lot at sea is so much more dangerous than that of civilians, must they be considered better able to take care of themselves on land?

Is it just that they should be denied the benefits of the law of the country they are fighting for? Every citizen would, say no. Then, let the wrong be made right, and stay the rot of sectionalism.

Sydney Morning Herald (NSW: 1842 - 1954), Saturday 30 December 1944, page 5

ORDER AGAINST TRIBUNAL

Pensions Advocate and Appeal

Alleged refusal of the War Pensions Entitlement Appeals Tribunal to hear John Isackson an advocate, led to a High Court order nisi for mandamus being taken out yesterday.

The order, which was granted by Mr. Justice McTiernan in chambers, calls on Messrs. G. J. O'Sullivan, E. J. Dibdin, and Michael Hickey, members of the tribunal, to show cause why Robert John Griffiths should not be entitled to be represented, on the hearing of an appeal, by John Isackson, in accordance with his rights under section 72 of the Australian Soldiers' Repatriation Act; or, alternatively, why they should not hear John Isackson on behalf of Griffiths on the hearing of the appeal.

The order is returnable on April 4.

It was reported on August 10 that the tribunal had refused to hear Isackson, then pensions advocate of the Australian Legion of Ex-Service Men and Women, until he made a public and unqualified withdrawal of imputations which he had made against the tribunal.

Isackson said then that he had criticised the tribunal following three decisions which he considered were breaches of section 47 of the Act.

"WITHDRAWN CHARGE"

He said he had withdrawn his charge of discrimination between Servicemen who had served in combat areas and those who had not on the assurance that remarks by the secretary of the tribunal, on which he had based his criticism, were not made on behalf of the tribunal or as expressing its views. He had, however, persisted; in his views that the tribunal was not correctly applying section 47, requiring the "benefit of the doubt" to be given to appellants.

Griffiths, in an affidavit before Mr. Justice McTiernan, set out that when, his appeal came before the tribunal the hearing of Isackson as his advocate was refused. Isackson was not a legal man and was retained as his advocate at his expense.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 6 January 1945, page 4

SOCIAL PENALISATION It is – Or It Ain't

By JOHN ISACKSON

THIS week Mr. Isackson — himself a World War I veteran, who lost a leg at Fleurbaix in 1916— - tells of experiences before Repat Tribunals when seeking adequate compensation for pensionable servicemen. Apparently- it is difficult to convince gentlemen who assess some pensions at 2/6 a week— not enough to buy one square feed — those certain disabilities are calculated to penalise socially those afflicted by them.

DISCHARGED members of the Forces who have contracted asthma, bronchitis, skin complaints, etc, during their service suffer (apart from the diseases) what may be called social penalisation. That is, they are ' unable to take part in any active sport or go swimming or dancing, etc, for fear of irritating or worsening the complaint.

Any heating or over-exerting the body has the tendency to make the disease active.

I presented the case of a man suffering from khaki dermatitis to the War Pensions Assessment Appeal Tribunal. I pointed out to the chairman that in addition to having the disease, the ex-serviceman was unable to take part in any social recreation. I said consideration should be given to this point when I assessing a pension.

While the ex-serviceman was being examined by the doctors in another room, the Chairman told me that matters such as social penalisation only annoyed the doctors, and had no bearing on the assessment of pensions.

Two or three days later a similar case was before the tribunal, and again I asked the same question, this time pointing out that a man suffering facial disfigurement was usually awarded a high rate of pension, not because he was sick or suffered any physical disability, but because he was socially penalised.

Chairman agreed that in such a case the question of social penalisation entered into assessment of pension. It is understood that a Tribunal Chairman gets a salary of £30 a week to judge the amount of pension an ex-serviceman should get. Some pensions are as "low as 2/6 a week.

I hope Chairmen, have good guidance. In view of one Chairman's contradictory statements, I should like to feel that there was some recognised principle governing pensions for social penalisation.

"What is this, social penalisation?"- one tribunal doctor asked. He at any rate admitted his complete ignorance of the matter. I feel concerned that it is not taken into consideration at all times.

When a man. enlists, he is prepared to give his country his most valuable possession— that is his life. No one could offer, more.

Simple pleasures are what make living worthwhile; and when, in the service of his country, a man contracts, a disease which denies him those simple pleasures, should he not. receive compensation?

Too often, he who has offered everything and who, though he does not lose everything, loses most that makes life worth living, is offered an incommensurate payment, which is neither compensation nor even, from the niggardly reluctance of its bestowal. a payment of grace.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 13 January 1945, page 7

ISACKSON CASE

R. J. GRIFFITHS, a former and first president of the Australian Legion, secured from Mr. Justice McTernan, in Chambers on December 22, an order calling upon the chairman and members of the War Pensions Entitlement Appeal Tribunal to show cause why Mr. Griffiths should not be represented by Mr. John Isackson in an appeal which Mr. Griffiths has before the Tribunal. Case will be heard by the Full Bench of the High Court during the session which begins on April 4, 1945.

Chairman of the Tribunal is Mr. Gerald John O'Sullivan, and the members are Mr. E. J. Dibden and Mr. Michael Hickey.

Among the exhibits tendered in evidence at the hearing for, the order nisi for mandamus were two "Smith's Weekly" articles, 'Repat Falls Down on Its Job' (10/6/44) " and "Repatriation in Reverse" (17/6/44).

It will be remembered that last year Mr. Isackson was suspended by the Entitlement Tribunal, the chairman having demanded an unqualified withdrawal of criticisms made by Mr. Isackson. At the time of his suspension, Mr. Isackson was Pensions Advocate to the Australian Legion. Later the Legion also asked Mr. Isackson to withdraw in accordance with the chairman's demands and, on his refusal, suspended him.

Thus no soldiers' organisation will be represented by either the prosecutor, Mr. Griffiths, or by Mr. Isackson, although the points involved should be of considerable interest to soldiers generally.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 13 January 1945, page 4

DEBILITATION OR REHABILITATION?

WORK BEFORE WELFARE

By John Isackson

THIS week Mr. Isackson writes of men who find it hard to settle down to civil jobs. He says the problem of rehabilitating them is being tackled the wrong way. Mr. Isackson lost a leg in France in World War I. His plan for making soldiers into self-reliant citizens is based on a profound understanding of the soldier's mind and a wide experience of workers' compensation and soldier-rehabilitation cases.

I HAVE spoken to many ex-servicemen about rehabilitation.

Some young men find it hard to settle down as civilians after having been soldiers. While he is in the forces a man has no longer to worry about food, clothing and shelter. These are all found for him. But when he is discharged, such pre-enlistment "worries return to him.

If he could go back, with, unchanged temperament, to his former way of living, the problem of rehabilitation would be easy to solve. Unfortunately, war service so alters the average man's outlook that he takes a long time to settle down to civil life.

Some men lose their sense of responsibility. Saddest cases are of men whom the strain of war has reduced to a civil classification of mental deficients.

Such men appear to be physically sound in every way. But their minds wander. They are unable to choose jobs. Simplest of work gets on their nerves. Noise of machines disturbs them. Silent work makes them melancholy.

Immediately on discharge such men are sent to Manpower. Manpower tries to find them suitable jobs. They are in and out of jobs daily and weekly, finally Manpower by-passes them. Their condition is worse than ever.

I have dealt with many such men and have managed to restore confidence in some.

I have discussed rehabilitation with rehabilitation officers of Manpower.

A number of rehabilitation officers agreed that Military Forces have no right to make Manpower the immediate dumping-ground for discharged servicemen. Repatriation regulations allow 13 weeks unemployed sustenance pay. But Repatriation policy of keeping down costs works to force a man into a job rather than to sustain him while he chooses a job.

Many people interested in rehabilitation agree with me that if an ex-serviceman's service pay were continued for 12 months after his discharge, work or no work, the ex-serviceman would feel the responsibility, and have the confidence, to do something for himself. It would prove to him the value his country placed upon him as a citizen.

If millions of pounds can be spent on a war to preserve a country, millions must be spent in preserving the people of that country; the best people; the people who fought the war.

What is a country without a confident people? Placing responsibility on an individual develops his self-confidence; it gives him a clear view of his duty; generosity inspires men to do their best.

But Repatriation-on-the-cheap, which is all our ex-servicemen are getting, inspires suspicion of Government, robs men of confidence in themselves, and makes bad citizens.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 13 January 1945, page 7

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MEDICINE IS NOT J CONFIDENCE MONEY SAVES WORRY

By John Isackson

MR. ISACKSON, with an announcement of War Cabinet plans for rehabilitation before him, adds a few words to his last week's proposals for easing soldiers back into civil life. His experience of workers' compensation and soldier rehabilitation? cases have convinced him that confidence is the most valuable, asset to a man going from. Army to a civil job, and that nothing builds' confidence so well as freedom from money-worries.

LAST week I suggested that if an ex-serviceman's Service pay were continued for 12 months after his discharge, the ex-serviceman would feel the responsibility, and have the confidence, to do something for himself.

On the same day Mr. Forde announced a War Cabinet scheme by which discharged servicemen who are still ill or disabled may be paid £2/10/-a week for from three to six months. while they are unfit for full-time training or employment.

Scheme involves different treatment by different departments, Social Services, Repatriation, Army Hospitals, for men eligible for Repatriation benefits, men sick but ineligible for Repatriation benefits, and so on. It is A complicated game, this new game which War Cabinet has evolved.

If the Forces are responsible for any material or mental defect in a serviceman, the least they can do is put it right at any cost. As, indeed, Repatriation Act provides. But men may still be ill, yet not eligible for Repatriation benefits. In the past the fate of such men has been uncertain. Certainly no affair of Government's. New idea seems to be to hand them over to the new Commonwealth Social Services department.

This is a step forward. But it remains to be seen what treatment men will get from the Department of Social Services. It will be seen that the scheme deals with sick and disabled men only. Presumably, when these men are patched up to the limit of Government's schedules, they will go forth to their work or training and all will be well.

And all will not be well. Rehabilitation does not end with pushing a man into a job or into training for a. job. It involves the settling down of a man's temperament into civil life and the rearrangement of his mental outlook.

I said last week that many men who are physically sound and otherwise seem fit have been found unable to choose jobs or stick to jobs immediately on their return to civil life. Noise worries them; silent work worries them; their minds wander. What they need is not medical attention, but confidence.

For a paternal Government to hurry them to a work bench or a desk, with the air of a district visitor distributing prizes and hoping no one will venture to look a gift horse in the mouth, does not beget confidence in such men.

No ex-serviceman wants to feel he is being mothered. He seeks his independence and rights as a citizen. Rehabilitation is a right, not a reward.

State of mind of such men is the state of mind of a man, who feels unable to concentrate and yet is harried by the necessity of providing for himself and his dependants. His eventual crack-up is the more complete because: he realises that he dare not crack up.

So why all the detailed fuss? Why not continue a discharged man's Service pay for 12 months? Explain to him what Repatriation training and other facilities are available. Give him the responsibility of getting on his feet, with enough money to save him from worry. If he fails after 12 months, then he is either a sick man or a hobo.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 27 January 1945, page 4

MERRY-GO-ROUND! OF ASSESSMENTS - WHEN SICK MEN ARE WELL

By John Isackson

MR. ISACKSON, the Pensions Advocate who was suspended from appearing before Repatriation Tribunals after he had criticised them, discusses this week the plight of the man whose disease recurs, but who has to appear before a Tribunal on one of his well days. Mr. Isackson replies to letters addressed to him care of "Smith's"-, and sees callers to "Smith's" Sydney office every Wednesday between 9 a.m. and 1 p.m.

WAR Pensions Assessment Appeal Tribunal is a chairman and two doctors. Its duty is to decide how much an ex-serviceman's pension should be.

If an ex-serviceman is not satisfied with the amount of the pension given him by the Repatriation Commission, - he may ask the Assessment Tribunal to re-assess his pension. When his case comes before the Tribunal, the Tribunal doctors examine the ex-serviceman and consult with the chairman; after which the Tribunal decides to increase, reduce or continue the pension.

Most cases which come before the Assessment Tribunal are cases in which the disability is not easily measured. Where a man has lost leg, or arm, or eye, the measure of disability can be defined easily; in fact, it is set out in schedule at the back of the Repatriation Act. But it is not easy to define the measure of disability with asthma, bronchitis, fibrositis, skin diseases, and so on. This is partly because the condition is not always active.

If Assessment Tribunal examines a man suffering from asthma on a day when he is more or less free from the disease, it may possibly reduce his pension or cancel it. But if the day happens to be the man's bad day, Tribunal may possibly increase his pension.

I do not believe that this method can give a true measure of a disease. I have seen no effort to improve it. It would be more just if a serviceman, on discharge from the Forces, were told to visit his local Repatriation doctor every time he had a bad spell. This would make a proper history of the case, available to the Assessment Tribunal.

I dealt with a man whom the Assessment Tribunal had denied an increase. Three weeks after the case was heard, the man grew ill, and for some days was unable to work. He told me he often had such attacks.

Repatriation Act says that the decision of an Assessment Tribunal is binding upon the appellant for six months. My ex-serviceman has to wait six months before Assessment Tribunal will hear a further appeal from him. And he must spend that time hoping that on the next day his appeal is heard he will be sufficiently ill to impress the doctors.

If he is lucky, one turn of the Merry-go-round will be enough. If not — The Merry-go-round Goes Round and Round and Round . . .

Perhaps a few sideshows could be added to make such appeals more appealing. Or perhaps there are too many sideshows. Highly-paid Public servants are responsible for the Repatriation Act. No attempt is made to alter it. It will remain inefficient while ex-servicemen remain silent.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 3 February 1945, page 4

MUMBO-JUMBO ABOUT NEURASTHENIA CUT-RATE CURE

By John Isackson

WHERE there is little scientific certainty, there is commonly much mumbo- jumbo. When cutting-down a man's pension is proposed as a cure for neurasthenia. Mr. Isackson wants to know why. A former pensions advocate with wide experience of Repatriation cases, and a soldier who lost a leg in France in the 1914-18 war, Mr. Isackson answers letters, addressed care of "Smith's," and sees callers to "Smith's" Sydney office on Wednesdays from 9 a.m. until 1 p.m.

EX-SERVICEMEN suffering from neurasthenia due war service have great difficulty in getting , their pensions increased.

Repatriation doctors believe that an increased pension will make the patient feel that his condition must be getting worse.

So part of the treatment is to keep the pension smaller- than is commensurate with the neurasthenic ex-serviceman's condition.

Does it make a neurasthenic feel better to hear that his incapacity is assessed at 6/- instead of 10/-? When he has. a similar yardstick himself, in the lessening of his earnings, through his nervous state, does it comfort him to consider that Repatriation doctors, at any rate, don't agree with the verdict of the business world?

My experience with neurasthenic cases is that when the ex-serviceman has been refused an increase in pension, he begins to feel that he is being persecuted.

This too-frequently natural development of neurasthenia could hardly be called paranoia, because paranoia is a "delusion of persecution," whereas the persecution of these ex-servicemen is real. They have been done an Injustice; they have been refused pensions commensurate with their incapacities.

Eight out of ten such ex-servicemen go on appealing until Repatriation doctors get fed-up and grant the increase. Condition of the ex-servicemen is then worse because of their continued struggle against the Tribunal.

While there may appear to be some logic in the treatment, I often wonder how logical it would seem if the doctor came up before the patient for assessment. But Repatriation authorities find it an excellent scheme. Saving money is part of policy.

Repatriation dealings with neurasthenics are dressed-up in a mumbo- jumbo of secrecy which rivals the midnight terrors of the Ku Klux Klan.

A neurasthenic is not allowed before the Tribunal while his case is being presented. In his state of mind he is left to wonder what sort of a deal his advocate may be doing with the Repatriation doctors behind closed doors. A neurasthenic is not told that the doctors feel that increasing his pension might worsen his condition, because — that might worsen his condition.

A Tribunal doctor once called all and sundry, fools because someone had told a neurasthenic he was a neurasthenic. Why surround the agitated mind of a neurasthenic with so much frightening and secret ballyhoo?

Must a neurasthenic case be treated neurasthenically?

What other treatment does Repatriation afford neurasthenics? To my knowledge, dope, which would be better down the drain than in the patient's stomach.

Added up, Repatriation treatment for neurasthenia is an incommensurate pension, dope and ballyhoo. Neurasthenia need not be put to a patient as a frightening disease. We're not 90 per cent of the world's great men neurasthenics? Are not most people of great energy neurasthenics? Even such propositions as these would be- better treatment than to condemn him to the infinite fear of the unknown.

Little as Repatriation doctors seem to know of neurasthenia, it is obvious that there must be more commonsense medicines for it than a mixture of injustice, fear and dope.

A PILL FOR YOUR MALARIA

By John Isackson

MR. ISACKSON considers; Repatriation Act and Regulations are made of words; ! and in this article discusses, the difference between words and deeds. A soldier who lost his leg in France in last I war, and with wide experience of Repatriation and Workers' Compensation matters and as Pensions Advocate, Mr. Isackson answers letters addressed him care or "Smith's Weekly," and sees callers to "Smith's" Sydney office from 9 a.m. until 1 p.m. on Wednesdays.

EX-SERVICEMEN who suffer from recurrent malaria do not get a pension. Repatriation Commission has decided that the after-effects of malaria are so slight that they are not pensionable.

What are the after-effects of recurrent malaria?

Does malaria, in fact, recur?

Does the treatment given ex-servicemen while they are suffering from malaria clear the " disease from their bodies?

Ex-servicemen tell me they suffer many recurrences during a year. Doctors, asked about this, are as likely as not to opine that maybe the ex-serviceman has a common cold which he has mistaken for recurrent malaria. Naturally, it is unreasonable to assume that a man who has had . malaria would know the difference between malaria and a common cold.

I argued before an Assessment Tribunal the case of an ex-serviceman who claimed to have lost some days' work because of a recurrence of malaria. His employer, he said, had not paid him, for those days-off.

Tribunal disallowed his appeal for pension. One of the doctors pointed out that the Repatriation Hospital treats cases of malaria, that an ex-serviceman can become an in-patient at the Repatriation Hospital while suffering from malaria, during which time he would receive a full pension. Doctor considered this liberal treatment. And it may appear liberal treatment.

But does it work? What happens when the average ex-serviceman with malaria goes to the Repatriation Hospital? He is (examined, given a tablet or a pill, and told to go home to bed.

He does not go into hospital, does not get his full pension and, so far as Repatriation is concerned, he loses his pay for days-off. And the next time malaria recurs he goes to his local chemist; then home to bed. What advantage would there be in his travelling out to the Repatriation Hospital, which is generally a long way from his home?

So the doctor's "liberal treatment" adds up to this:

(1) A pill from Repat.

(2) No bed -in Repat. Hospital.

(3) No full pension while in bed at home.

(4) No regular disability pension.

(5) No pay for workdays lost.

(6) No further Interest in Re-pat's liberal treatment. From which it will be seen that a little pill goes a long way — for Repatriation Department.

Tribunal doctor was, of course, quite- sincere in his belief in liberal treatment. But should case be decided against ex-servicemen on such unqualified assumption of "liberal treatment obtainable elsewhere"? Unsympathetic manner in which cases of recurrent malaria are considered does not reflect credit on those who are commissioned to make decisions.

I HEROES OR HOBOES - BRUSH-OFF TACTICS

By John Isackson

THIS week Mr. Isackson ex-amines the theory and practice of a new Ism, which he ; calls Hoboism, which he has had ample opportunities for studying in his long experience of Government compensation and repatriation departments, and as a Pensions Advocate. Mr. Isackson answers letters addressed to him care of "Smith's," and sees callers to "Smith's". Sydney office from 9 a.m. until 1 p.m. on Wednesdays.

ON discharge from the Forces the ex-serviceman encounters the doctrine of Hoboism. Hoboism is the theory, generated by Departmental growth of small minds, that all ex-servicemen are hoboos until proved -otherwise.

Every ex-serviceman comes up against it as soon as he applies for pension, job, home, business loan, or any other form of rehabilitation.

His first gift from authorities was the 50/- Hobo Suit. Because public didn't like to see him dressed like a hobo, he now gets more than twice as much as that for his suit. But departments know that clothes don't make the man; ex-serviceman in 50/- suit, or- ex-serviceman in £6/10/- suit, he's still a hobo to them.

Repatriation job-hunting for ex-serviceman was a failure. Finally dumped on Manpower, the ex-serviceman finds his own job.

If he wants to buy a business, officials tell him the loans are for special cases only. If he is a special case, he must answer innumerable questions on prescribed forms. After lengthy investigation, and if he has Lottery Luck, he may get his loan. If his family has a makeshift home and he applies to build on his own land, he is told his building cost must not exceed £450.

Giant minds controlling building permits may express the view that he is "Not Eligible"; "Building Programme is Stopped"; "Only Special Cases." Such are the phrases. "But have you applied?" I have asked many discharged men in the many circumstances where applications are possible. "Yes," they say, "But I did not go on with it because I felt they regarded me as a hobo."

I was getting an ex-serviceman examined by a medical specialist in private practice; I had gone along to point something out. During the interview, the doctor said that most ex-servicemen¹ seemed out to get some-thing for nothing.

I disagreed strongly, and said, ' that in my ' experience 95 per cent were on the ' level, ' and that I would never judge the majority of ex-servicemen by the few who were not.

Doctor seemed surprised, but ' was ' apparently convinced by what I had to say, because he has ever since refused to take fees from ex-servicemen. How can the theory, and practice of hoboism breed confidence in the minds of decent men?

Picture on enlistment is a sharp contrast.

Man who enlists to fight for his country is noble. He puts on the King's uniform. People are proud of him. He is prepared to risk his life. No one says, then, that he is out to get something for nothing. When he goes to war, he is a hero. When he comes back, warworn and broken, is he a hobo? Does he put off his honor with the Kings uniform?

Proof of the discontent among soldiers is in the growth of numerous soldier-organisations. They are not purely social affairs. They are there because everything is not as it should be for the returning soldier.

Tragedy of discontent among ex-servicemen at their re-entry into civil life calls for a changed attitude; that they should be regarded as decent men until they are proved otherwise.

I hardly dare to think what may be the result if "the theory of ' hoboism is not eliminated before general demobilisation. But I often wonder how ex-servicemen would be treated if they were a source of profit to the departments which handle them. Probably there would be pink carpets for them to walk on. . . .

And yet, how much more profitable it would be to have a nation of decent men than to be burdened by a nation of hoboes!

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 24 February 1945, page 4

ONUS PAYS NO BONUS MAKE THEM PROVE IT

By John Isackson

IF a man loses work and pay because of war Injuries, is not that loss a measurement of his pensionable disability? Mr. Isackson, suspended by Sydney Repatriation Tribunals from appearing before; them as Pensions Advocate because of questions he asked about Section 47. furnishes a further case in point. Mr. Isackson answers letters addressed to him care of I "Smith's Weekly/" and sees callers to "Smith's". Sydney. I office between 9 a.m. and 1.p.m. on Wednesdays.

SECTION 7, Part 2, of the Repatriation Act reads: — "In all cases whatsoever, the onus of proof shall be on the person who contends that the claim, application or appeal should not be granted or

allowed to the full extent claimed." In other words, the onus of proof, lies with the Entitlement or the Assessment Tribunal to show reason Why a claim is disallowed.

Neither ever does

Take this case, which was before the Assessment Tribunal: A serviceman discharged suffering from neurotic reaction to concussion was granted a pension of 5/- a week. Some time later he lodged an appeal for an increase in pension.

Evidence in support of his claim was that during 17 months' work he had lost 15 weeks because of illness; in cash he lost £65, after deducting his pension from his total loss.

Employer confirmed this in writing. Claim was disallowed. No questions were asked during the hearing. Ex-serviceman was examined by doctors, and evidently the doctors' report was enough to decide the case. What part did onus of proof play in this Case? Did the medical examination disclose that that the ex-serviceman was lying, that his employer was lying? Or is loss of work and money because of war injuries not taken into consideration?

Section 47 also states that the Tribunal shall not be bound by technicalities or legal forms or rules of evidence.

If this means that the Tribunal, is absolved from following the onus of proof provisions— if it in a let-out for the Tribunal, then why all the legal jargon? Why Section 47?

Here, Indeed, is a Section 47, to end all Sections 47.

What is the onus of proof?

Any questions asked about it are met by stony silence. If an increase in pension means simply that a doctor has reported favorably on a medical examination, then all that should be necessary is to send a man to a medical specialist.

This would save a lot of money. But Repatriation is not concerned about saving on administration. It's one concern is to maintain a pension rate that is not even a pittance. An Act of

Parliament can be passed in favor of ex-servicemen; but administration can go a long way towards limiting the generosity of the Act.

Proof of this is that a second Assessment Tribunal recently established has increased the proportion of approvals of appeals for higher pensions from 25 per cent to 60 per cent.

In the second Assessment Tribunal, many questions are asked stony silence is not the rule, and the ex-serviceman is given every assistance in Stating his case. At last, in this Tribunal, the Digger may look forward to reasonable and sympathetic treatment, which the Act originally intended.

But what are we to say of the general administration of Repatriation when a new-broom Assessment Tribunal can more than double the number of approvals? If Number 2 Assessment Tribunal can give full consideration to appellants, why can't Number 1? In every pension claim, the appellant should Insist, and the Tribunal should insist, that doctors and the Repatriation Department itself should discharge their onus of proof. A Tribunal should be called upon to show why a pension claim has been rejected. If ex-servicemen were to Insist on this procedure, they would see their pensions rise rapidly.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 24 February 1945, page 7

NO REPATRIATION FOR NEUROSIS

IT would be easy for members of Parliament to go over Army's Kenmore Hospital at Goulburn, NSW. to see what soldier nerve and mental cases have to go through. It's only across the way from Canberra.

It would be harder for them to go over some or Repatriation Department's psychiatric hospitals where ex-soldiers can have their treatment continued into civilian life under skilled psychiatrists who can build up their health and confidence while they are getting back into civilian jobs. There aren't any such hospitals. MP's WOULD THUS DISCOVER THAT SOLDIERS DISCHARGED 'WITH NEUROSIS GET NO REPATRIATION BENEFITS AND ARE EXPECTED TO SAVE THEIR SANITY AT THEIR OWN EXPENSE.

AT a time When US Army had taken over Melbourne Hospital and turned it into a hospital for US Army neurosis patients. Australian neurosis patients were lining-up in the mornings in a cattle-pen at Ascot Vale showground, Victoria, to await a nurse carrying a bottle and a hypodermic. ,

Nurse ' went down the line, sticking the hypodermic alternately into the bottle and the patients, and there an end.

Australia has since caught up very little on American methods. As late as July of last year, "Smith's" exposed the shameful treatment of Army mental cases (22/7/44) 'Nor was this exposure the result of secret investigations; it was set out In letters written by Army Minister Forde and Repatriation Minister Frost in justification of the state of affairs: "Soldiers," as "Smith's" summarised it, "in degrees of mental disturbance up to complete insanity were being pushed off as civilians on to State authorities. without Repatriation provision for treatment, without Repatriation pensions, without proper arrangements to have their Pensions applied for; their dependants abandoned to destitution, their families liable to pay for their keep in State Mental Homes."

That was Queensland in July, 1944. Here is what is still going on. An AWAS broke down from overwork; was sent to Sydney Reception. House in November. 1943. and was committed, to Callan Park Asylum, where she was when Army discharged her In August. 1944 and still is. ' At her discharge, authorities had £50 in hand from her service pay. On her behalf, they applied for Repatriation pension. Repatriation refused to grant the pension NSW Lunacy Department now wants her family to pay £7/10/- a month for her support at. Callan Park.

This AWAS had never been in hospital before she joined the Army. and was perfectly at in Army until her breakdown. 'July 29. 1944. "Smith's" followed up its exposure of Australian methods by getting an interview with the Chief Psychiatric Consultant to the US Army in the South West Pacific, Lieutenant-Colonel S. A. Challman: —

"In the United States, the Veteran's' Administration, which is the American equivalent of the Australian Repatriation Department, has set-up special hospitals for treatment of mental cases. - These hospitals are maintained and controlled by the US Government, and the inmates are under the care of expert psychiatrists and specialists in the treatment of mental disorders.

"No man who is suffering from a mental disorder is discharged from US . Army unless we are satisfied, he cannot be cured within ai reasonable time. As long as there is reasonable prospect of his being cured, responsibility for his treatment is accepted by the US Government

"His entitlement to a pension is dependent on whether his condition is wholly or partly attributable to his war service If his previous history fails to show evidence of mental maladjustment it is then reasonable to assume that his condition is due to war service, and he becomes entitled to pension benefits and further treatment at the expense of the US Government." Colonel Challman and Chief surgeon of the US Forces in the Far East, Brigadier-General Guy B Denit. then gave some details of the treatment of US soldiers in "special psychiatric hospitals with trained psychiatrists, nurses, chaplains, Red Cross workers . . .

"Perhaps the most striking feature of these new hospitals, which would compare favorably in intensity and success of treatment with the luxury type of nervous disease hospital in the United States, where charges are from £30 to £90 a week, is the atmosphere of optimism and hope one finds everywhere in them. "

"Smith's" and Queensland United Council of ex-service-men's efforts forced a Government decision to go on with plans which had been shelved for a Repatriation Mental Hospital in Brisbane; but even then "Smith's" and the United Council had to speak up once more to prevent Government making the Repatriation Hospital no more than a wing of Goodna Civil Mental Hospital.

And although none test case it was decided to pension dependants of a soldier committed to a Queensland mental asylum, "Smith's" has no evidence that Repatriation is following this precedent in other cases.

There is the case printed above of the AWAS in Callan Park, NSW Not only is she denied a pension, but money is demanded from her parents to keep her in a civil asylum.

How many - such cases are there? How long will this method of treating ex-service men and women go on?

But it is when the patient is cured or discharged with neurasthenia or some comparatively slight neurosis which does not bar him from civil life, that Repatriation methods become really vicious. Men with any form of neurosis in their medical papers find work hard to get. You can see them sitting, 50 or 60 at a time, in Manpower Offices, listening while the Manpower official talks on the phone to employer after employer and gets turned down again and again as the employer hears, what has to be mentioned, of neurosis present or even neurosis cured.

Repatriation refuses to pension such men, although their nervousness. which forces them into second-rate and dead-end jobs, must constitute a serious disability. assessable In terms of diminished earning-power.

Moreover, when Repatriation says that they are not pensionable, it is saying, also, that there is nothing wrong with them. - Thus, when they find themselves unable to go back to their old jobs and seek vocational training for some job more suited to their condition, the Vocational Training Section of the Department of Reconstruction tells them that, according to Repatriation, they are quite fit to go back to their pre-war jobs. And they get no vocational training.

Finally, this same refusal to pension them denies them not only money, but also Repatriation treatment; and if their neurasthenia or neurosis is not treated it grows worse. Thus, nervous men are expected to pay for their own treatment after discharge from Army. How can they afford the "luxury type" of hospital described by the US; ' psychiatrists, where "charges are from £30 to £90 a week?"

On. February 6, 1945, an ex-serviceman wrote to "Smith's": "I with many other soldiers spent many months in a military hospital which specialised in nerve patients and which before the war was a lunatic asylum (Kenmore, Goulburn. NSW) "During my stay at the hospital I saw many pitiful cases, and I consider myself very fortunate indeed that I was not as bad as the general lot of patients in my ward. I received the electric convulsive treatment alone, but some of the other chaps received both insulin and' ELT and fortunately most rallied round. Some unfortunate chaps were eventually certified.

"Help and care of the sisters and MO's were exemplary; in fact I could not praise the staff too highly Nothing was too much trouble to them. "But the point I wish to stress is how shabbily the Re-pat. treated us. "Some time after we were discharged from Army 'completely cured Repatriation advised us we were not eligible for pension. Which of course means that we are not entitled to any medical consideration or attention if we lapse back into a nervous condition, and some of us, no matter how well we look after ourselves, may just lapse. "If Repatriation will not look after us, what is to become of us, and where will the average returned soldier get the money to pay for such expensive treatment if we will not be accepted into Repatriation hospitals? Are we to be left roaming around until we are picked up and perhaps certified and put away?" Yet even if such men are accepted for treatment by Repatriation — and some cases "with physical complications are — what treatment can. they expect? "What other treatment (besides an incommensurate pension) does Repatriation afford neurasthenics?"

Mr. John Isackson asked in "Smith's" (3/2/45). and answered: "To my knowledge, dope, which would be better down the drain than in the patient's stomach. "Added up. Repatriation treatment for neurasthenia is an incommensurate pension and ballyhoo."

Learn e d doctors claim that a neurotic's symptoms vanish as his pension is reduced or wiped out It must be admitted that when. Repatriation refuses a nervous man a pension he certainly vanishes, with bis symptoms, from ' the neighbourhood of the Repatriation Commission. And out of sight is, very truly, out of mind. So why not give the nervous soldier money? We give him nothing else: no treatment; no: vocational training; the fag-end of the dead-end jobs. . . .

He may as well have a few bob to get worse on. In his informative letter to "Smith's" of June 27, 1944, Acting Chairman of the Repatriation Commission. Mr. Webster wrote: "In a large number of cases the disability diagnosed by the Service Discharging Medical Board is accompanied by either nil or a very negligible degree of incapacity. In such cases, although a pension is not awarded, the decision, renders the member eligible for all necessary medical treatment both in-patient and outpatient), and he may receive also medical sustenance equivalent to 100 per cent war pension during temporary breakdowns, when the necessities of the treatment, even for a short period, prevent him working."

Why is this "Pensionable Disability Nil" provision not applied to neurosis cases? He would then be able to get such poor treatment as Repatriation affords, at all times; and money when they needed it. What is being done to ensure proper treatment for all-nervous and mental cases? Is Minister for Repatriation Frost solving the problem? Is he even aware of the problem? How many ex-soldiers are suffering needlessly, to the shame of the nation, while public protests and parliamentary protests are drowned by the heavy snoring of that ridiculous Minister?

What's Brought On At Broughton Hall

BATS OR DOPE?

By John Isackson THIS week Mr. Isackson further discusses Repatriation treatment or lack of treatment of ex-servicemen with nervous disorders, subject of a long article in "Smith's" last week. A re-turned soldier who lost a leg in the 1914-18 war, with wide experience of Repatriation administration from within and without, Mr. Isackson once inspected Broughton Hall, where nervous ex-servicemen are sent, and here records his conclusions.

IF you suffer from any nervous disorder due to war service, you cannot get correct treatment from Repatriation.

No Repatriation institution deals exclusively with nervous conditions.

If you are an NSW ex-service-man whose nervous disorder war-rants immediate treatment, you are sent to Broughton Hall. If you are not prepared to go to Broughton Hall, you are given dope. Repatriation keeps no place where ex-servicemen can rest in surroundings that would re-store their normal health of mind.

Nervous disorders which may not become serious if treated immediately can seriously weaken a man's mental capacity if they are neglected or misunderstood. Broughton Hall forms part of Callan Park Mental Institution. Building is set in a very lovely garden.

Inside fittings suggest a poor-house. There are very small, cell-like rooms. Windows are high in the wall. Mattresses are right on the floor— precaution against patients injuring themselves. Any man sensitive to surroundings would find the place oppressive. It is certainly no place for a nervous ex-serviceman.

I have known several ex-servicemen who have gone to Broughton Hall but walked out the same day. They felt that if they had stayed they would have gone "bats." To inspect the place is to agree with them.

If an ex-serviceman walks out of Broughton Hall, he refuses treatment. Refusing treatment is a serious crime to Repatriation Commission, for which punishment is forfeiture of rights to further consideration.

Thus, neurasthenics have the choice of "bats" or dope. Here is another instance of Repatriation's inhumanity: the saving of pensions and the destroying of souls. Neurasthenics are not mental cases. Nor should bomb-happy men in any circumstances be sent to Broughton Hall.

I have handled many men with nervous disorders. Only request they ever made was to rest in quiet and congenial surroundings. No one not himself certifiable would suggest that a cure is probable in a mental institution. There should be rest hospitals in quiet country districts where correct treatment would be available. In such conditions most patients would be restored to health in three or four months. But Repatriation would sooner cast men aside, forcing them to fight for their rights and making them the worse for the struggle; or send them to Broughton Hall.

New Zealand, I understand, treats ex-servicemen suffering from nervous disorders properly, not only with proper institutional treatment, but with liberal treatment throughout all phases of rehabilitation. If New Zealand can give liberally before it is demanded, why cannot Australia? It is a pathetic national state we have got into when our sick ex-servicemen have to turn round and fight on the home front for their own health and welfare.

CONSTITUTIONS AND ACTS SCHIZOPHRENIA

DOES the Repatriation Commission "give the claimant the benefit of the doubt ... as to any . . . circumstance which would be favorable to the claimant"? Does it even give the claimant the benefits which the Act provides? This week, Mr. Isackson adds a further case-history to smith's long list of nervous and mental cases denied Repatriation. Mr. Isackson, who has had wide experience of Repatriation methods, from within and without, answers letters sent him care of "Smith's."

MANY soldiers have developed schizophrenia during service. Schizophrenia appears as "dual personality" or "split mind"; a man's normal outlook disappears and he seems to think and act as another.

Little is known of the cause of schizophrenia. It is thought to be constitutional; some weakness, an under or over development of parts of the body may cause it. Doctors report cases of schizophrenics who do not seem to have had any worries or mental stress before developing schizophrenia.

Repatriation Commission denies responsibility for schizophrenia on ground that it is constitutional and therefore is "not due to war service." A number of schizophrenics have been discharged from the Forces without either pension or treatment. Yet Repatriation Act does not state merely that a condition must be caused by service, but also that it may become manifest during service, and still be pensionable. If this were not so, tuberculosis, considered as constitutional in every person, would not be pensionable Tubercular servicemen are discharged with pension and

treatment, as are men suffering after-effects of pneumonia, meningitis and many other diseases. Why pick out schizophrenia and exclude it from "connection with war service?" Simply because little is known about it?

Recently I met a young man of 25, discharged from the forces, suffering schizophrenia, and denied Repatriation treatment or pension. He loses considerable working-time from a most considerate and patient employer. Some 15 months ago another young ex-serviceman, who had served in - Palestine, Greece, Tobruk, and New Guinea, was discharged a schizophrenic without pension or treatment.

He began work for a well-known city firm. Naturally, he wasn't able to do the job satisfactorily. But the firm's welfare officer took a personal interest in him and phoned me to ask. if I could do anything. We lodged application for a pension. Repatriation doctors decided, that the "condition was not connected with service." We appealed to the Repatriation Commission in Melbourne, which confirmed the Sydney Board's, decision. We appealed to the War Pensions Entitlement Appeals Tribunal.

Tribunal allowed the appeal on the ground that the schizophrenia developed on service. Ex-serviceman was granted a pension and is now getting treatment. It was 12 months between his discharge and his pension, but he was granted only six months' back pay. He was discharged schizophrenic; therefore, he has been cheated of six months' pension. Add to this that the strain of fighting his case has aggravated his condition which, with early treatment, might have been kept to a minimum. But perhaps the most important point is that, after Repatriation. Commission had rejected the condition as "constitutional, therefore not due to war service," I was able to present the case, as "happening on service," still in accordance with the Repatriation Act, and win. This is to say, that although Repatriation Board and Commission knew and understood the Act, they forced my young ex-serviceman to fight for 13 months for the rights to which the Act entitled him. Still,

Repatriation has made a profit of six-months' pension on the deal, a profit which, multiplied by many instances, is not to be despised. Or is it?

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 17 March 1945, page 6

THEY GIVE YOU THREE GUESSES Hidden Histories

By John Isackson

FROM a regrettably inexhaustible list, Mr. Isackson this week produces another-instance of unsympathetic administration of the Repatriation Act. A returned soldier, who lost a leg in France in the last war, and with a wide experience of Repatriation problems, Mr. Isackson answers letters addressed to him care of "Smith's Weekly," and sees callers at "Smith's" Sydney office on Wednesdays from 9 a.m. until 1 p.m.

HIDING an ex-serviceman's medical history is another Repatriation ramp.

When a man appeals against refusal to grant a pension, he must state his grounds. If he can't state his grounds, Repatriation Commission has no case to confute. And if the grounds- are contained in his Army medical history, and Repatriation Commission does not show him these papers, how is he to know what is wrong with him? Does he get three guesses?

Here is a recent case of an ex-serviceman who served in the front line in Tobruk, Greece, Syria and New Guinea. He was discharged from the Forces, suffering from hydronephrosis and weakness of nephrectomy scar — kidney complaints.

He had been operated upon two years before enlistment.

Least of his disabilities is the kidney scar. Repatriation decided that this scar had been weakened by his service; but the disability was considered negligible and not pensionable.

Army Board doctor considered that hydronephrosis had been aggravated by war service. Repatriation doctor considered it had not.

Therefore, because of its pre-war origin, and because of Repatriation doctor's opinion, Repatriation refused either pension or treatment for hydronephrosis or aggravation of hydronephrosis. You might say that this difference of opinion between doctors constituted a doubt, and that Repatriation Commission is required to give the ex-service-man the benefit of the doubt — but ex-servicemen deal with the Repatriation Commission and not the Repatriation Act. This ex-serviceman had to pay for treatment of hydronephrosis out of his own pocket.

A private doctor operated. After the operation, the ex-serviceman appealed to the Assessment Tribunal for an increase in pension for his accepted disability — i.e., to be pensioned for weakness of the nephrectomy scar. Tribunal doctors found themselves unable to decide whether the pain or discomfort the ex-serviceman was suffering was caused by the scar or the recent operation, and therefore could, not recommend an increase in pension. I had seen this ex-serviceman several times. He appeared to be very ill. He complained of severe attacks of depression. He had felt that life was not worth living — I am putting it mildly. In presenting his case to the Tribunal, I was allowed to see his medical history. To my amazement, this showed that he had been discharged from a military hospital while serving in the Forces, suffering from neurasthenia.

His papers made it evident that his main trouble was neurasthenia. He was even discharged, apparently, on neurasthenic grounds. Repatriation Commission did not tell him this. It was not included in the final medical diagnosis'. He was given neither treatment nor advice on neurasthenia. He was left to attribute his mental outlook to the state of his kidneys. So here is what a front-line soldier got from Repatriation Commission:

1. Least of his disabilities was accepted without pension.

2. Hydronephrosis was not accepted for treatment or pension.
3. Neurasthenia was hidden.

If he had not claimed an increase in pension for his minor disability, he would not have known to this day what was the matter with him. If his neurasthenia had been treated from the beginning, he would probably not be worrying about a pension to-day. Such administration of a most liberal Act of Parliament is beyond my comprehension.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 24 March 1945, page 6

SEAT (EMNPTY) OF JUDGMENT - Two-man Tribunal
By JOHN ISACKSON

THIS week, Mr. Isackson discusses an experience with a Tribunal which is new to him something he never met before in all his long association with Repatriation Tribunals. It forms the subject of his article this week. [A returned soldier of last war, who has "spent a great deal of his time fighting for soldiers', rights to Repatriation, Mr. Isackson answers! letters addressed to him care of. "Smith's. Weekly," and sees callers to "Smith's" Sydney office on Wednesdays between 9, a.m. and -1. p.m.

REPATRIATION Act states that the Chairman of an Appeal Tribunal shall be a person who has been admitted to practise as a barrister or solicitor of the High Court or of the Supreme Court of the State. Act also states that if an ex-serviceman attends a sitting of the Tribunal he shall be entitled to be represented at his own expense at the hearing by a person other than a legal practitioner.

In other words, the Chairman of a Tribunal must be a qualified man of law; but the ex-serviceman's representative must not be a man of law.

So from the beginning an ex-serviceman is at a disadvantage. Why ' is a legal main debarred from ' representing ex-servicemen at a ' Tribunal?

Why is it that Repatriation requires ' the most astute of legal brains to decide Government's obligations, but denies the ex-serviceman any other, than a layman to present his case? Many controversies over pensions rights can be traced to this unbalanced set-up.

If the layman representing the ex-serviceman asks ' the reason for a decision, he gets no answer. Repatriation Act states that, the Chairman's decision shall be final. So much for the Act, which makes everything depend on the Chairman's determination on doctors' reports, his observation of the ex-serviceman, and whatever is advanced by the- ex-servicemen or his representative. ' But what if the Tribunal decides cases in the. absence of the Chairman? Then the last, chance of legal adjudication is taken' away, not only from Repatriation,' but from the ex-serviceman.

Recently, two doctors proceeded without the Chairman of a Tribunal.

Repatriation Act: states that an Assessment- Tribunal shall consists of a - Chairman and two doctors. Who authorised two doctors to proceed without' a Chairman? No part of the Act states that if the Chairman is not present the two doctors can proceed as the Tribunal.

Circumstances sometimes condone irregularities. But when all Repatriation authorities combine to require, from ex-servicemen the utmost compliance with formalities; is a Repatriation authority to be pardoned for what might be termed this gross irregularity? Integrity of the doctors is not questioned. But I feel that if doctors understood the Act, they would in no circumstances conduct a Tribunal without a Chairman.

It would be a strange Court of law where a defendant and a prosecutor were to conduct their case and come to a verdict in the absence of the judge. It would be indeed a cause celebre, productive of apoplexy among our legal fraternity. To Repatriation, it is a bagatelle. What is a Chairman, among friends?

One thing is certain, all cases conducted in this manner can claim to be re-heard. ; Tribunal set-up was not in accordance With the Act. It boils down to this:- —

1. Government's decisions are made by a lawyer. '
2. Ex-serviceman can have Only a layman to argue his case.
3. If ex-serviceman's representative asks why ah appeal is disallowed, he gets no answer.
4. Chairman-Lawyer's decision is final.
5. Tribunal " proceeds Without Chairman; '

Rafferty, I feel 'Shure; would go about it;' bio-re 'Skilfully than 'that.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 31 March 1945, page 6

WHAT THE DOCTOR ORDERS - Fitness To Work

By John Isackson

THIS week Mr. Isackson whose knowledge of Repatriation problems is backed by considerable experience of Workers' Compensation administration, compares the i rights of a worker under a Workers Compensation Act with the rights of an ex-serviceman under, the Repatriation Act. Mr. Mr. Isackson answers letters addressed to him care of. "Smith's Weekly," and sees callers at "Smith's" Sydney office on Wednesdays from 9 a.m. until 1 p.m.

A FEW weeks ago, Repatriation doctors certified a man with a particularly nasty skin disease fit to go back to work.

Skin condition had not cleared up.

Ex-serviceman's own private doctor advised him not to go back to work for at- least two weeks. He mentioned this to the Repatriation doctors who had been treating him, but they made no comment. If he had taken his own doctor's advice, he would have lost two weeks' pay and, Repatriation doctors having certified him fit to work, he would have forfeited his rights to Repatriation sustenance.

Ex-serviceman could not afford to lose his weekly income and, as Repatriation doctors' decisions over-ride decisions of other doctors, had to go back to work. If he had been a civil worker and not an ex-serviceman, and claiming compensation and not repatriation, he would have had the right to choose his own doctor.

If compensation companies are not satisfied with the advice or treatment given by a man's own doctor, they can have him examined by their doctor. If the doctors disagree to the man's disadvantage, he can appeal to the Workers' Compensation Commission, which is. the final adjudicator under the Workers' Compensation Act.

But the ex-serviceman has not this right of appeal. If a Repatriation doctor says "Go back to work," that's final.

If compensation companies had the right to return a man to work because they thought he was fit to go back, workers would riot be very happy about it. Those who framed the Compensation Act had due regard for the equitable rights of the worker.

But the Repatriation Act was simply— a Repatriation Act.

Here is another instance of how, under that Act, final decision is in the hands of those whose interests lie in the administration of policy. It is like asking a brewer to vote in favor of prohibition. It is the same with treatment.

An ex-serviceman who is not satisfied with the treatment he gets from Repatriation Commission, and resorts to his private doctor, and feels that the change of medicine is doing him good, and suggests the change to Repatriation doctors, is invariably told just to carry on with their treatment. Decision is final again. Making a fuss -is an ex-serviceman's only way to redress, if any. When it is remembered that all Repatriation doctors and staff are ex-servicemen, it is hard to understand the peculiar contempt in which Repatriation patients and Repatriation officials hold each other.

If reason and consideration were the aim, consultation of Repatriation doctors with doctors holding contrary views would be commendable, and would, I feel sure, satisfy all concerned and end criticism.

But the bureaucratic "my word is final" reflects credit on no person and no department. Human values and correct assessment of them are far more important than administrative costs.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 7 April 1945, page 6

Training for What? - Are There Jobs?

By John ISACKSON

THIS week Mr. Isackson has a first look at Government's; vocational training schemes, and their relation to jobs. A soldier who lost a leg in France in the 1914-18 war, and with a wide experience of Repatriation problems, Mr. Isackson answers letters addressed to him care of "Smith's Weekly," and sees callers to "Smith's" Sydney office on Wednesdays from 9 a.m. until 1 p.m.

LAST week I - met a young officer who was only a few hours discharged from the Forces. He appeared worried about his future. He had enlisted at 18. about to matriculate and study medicine. He had served more than five years, in Libya, Greece, Crete, Syria, and "twice in New Guinea. He was discharged with gunshot wounds in the left leg. It was quite obvious that, apart from his wounds, his nerves were in a bad state.

He said he didn't want to go back to his studies, because he had forgotten all his class-learning, and it would ' take him at least two years to get back to matriculation stage. If another six years' study of medicine were added, he would be 31 by the time he was a doctor. Moreover, he was not prepared to live on the niggardly sustenance offered students by Rehabilitation authorities, having been married before going to New Guinea, and having a family to look after. He wanted, to earn enough to keep his family in comfort, not in eight or ten years' time, but now. A boy at enlistment, he becomes a hardened, cynical man at 23. His case is only one of many coming up for rehabilitation.

This young ex-soldier who doesn't know what he wants; will probably seek employment through one of the numerous employment agencies. Are the agencies qualified or instructed to define the ex-serviceman's future? Or is it only a matter of putting him in a job? If the ex-serviceman gets a Job and A few years later gets dissatisfied and goes back to Rehabilitation, he will, be told that he should have come to Rehabilitation immediately on his discharge- consideration will be. given to his unsettled state of mind on his discharge which prompted him to take, the first job going.

Problem of rehabilitation is vast and difficult, but not insurmountable. provided authority leans towards generosity. A great deal has been said about training under rehabilitation. for instance: but I have not yet heard any concrete suggestion for placement of men after they have been trained.

To train thousands of men without having places for them to which to go amounts to nonsense.

In our community hundreds of municipalities lack the foundation of well set-out districts. They lack first-class schools, public libraries, gymnasiums, social clubs, swimming pools, local maternity hospitals, park areas, good roads, and especially houses. A plan to provide them would absorb thousands of trained tradesmen, technicians, and professional men. A plan to absorb trained men is just as essential as the training. Without it. rehabilitation cannot be successful.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 14 April 1945, page 6

SQUARE PEGS ROUND HOLES Seat-Sitters In Control

By John Isackson

THIS week Mr. Isackson continues his study of Rehabilitation methods; and says why employers would rather go to employment agencies than to Rehabilitation for men. With a wide experience of Repatriation problems, Mr. Isackson answers letters addressed to him care of "Smith's Weekly," and sees callers to "Smith's" Sydney office on Wednesdays from 9 a.m. until 1 p.m.

HAVING interviewed a number of recently - discharged ex -servicemen about civil employment, I conclude that Rehabilitation is nothing but a joke.

Unfortunately the joke is on the ex-serviceman. Not one, but a number of ex-servicemen have had to choose from a list of such jobs as cleaning, part - time lift - driving, kitchenmen, gardeners, yardmen, cellarmen, laboring and others equally menial.

One ex-serviceman with considerable clerical experience was offered a job as kitchenman or cook. All jobs listed by Rehabilitation were offered by private employers only. Not one was offered by a Government service.

A Rehabilitation officer said he felt very pleased because he had placed a one-armed boy in work after other officers had failed. He told me this six different times.

That such a thing should seem to him an achievement is to me significant. It suggests a pathetic incompetence in Rehabilitation generally that the placement of one ex-serviceman should appear so enormous an achievement. How far will the main body of ex-servicemen go, with this single achievement dangled before them like the donkey's carrot, before they find that it is not coming any closer to them?

Again, there is the disgusting instance of the employer who phones Rehabilitation for men, and adds: "Don't send me rubbish" Why must men who were heroes while they fought and worked become "rubbish" on discharge from Army? If a man is disabled in Army, is it correct to consider him "rubbish"? What. is Rehabilitation doing to prevent this hideous conception? Who is responsible for such a criminal, measure of the ex-serviceman?

Do incompetent men in an incompetent department fail to understand the natural talent and bent of each individual ex-serviceman?

Well, the fact is that private employers looking for employees prefer to apply to employment agencies rather than to Rehabilitation, which indicates that the employment agencies make a study of the ex-serviceman's qualifications for the job on offer.

Thus an employer has some surety that the man he is getting from an employment agency will be a man with some experience or aptitude for the job.

If the failure to analyse the man and the job is not what is wrong with Repatriation directorate, then what is? How has it achieved the contempt of employers? What do we hope to gain for the many thousands to be discharged if Rehabilitation at this early stage has achieved only contempt?

Golden rule of Rehabilitation should be that it is not only their duty, - but everyone's duty, to see that the ex-serviceman is reinstated in civil life on a sound footing. A close examination of Rehabilitation directorate's organisation would suggest that efficiency cannot be expected from it. For instance. Department waits for employers to phone up. No earnest attempt is made to go out and get jobs, or for officers to go out and meet employers, get their confidence, and discuss employment problems.

A seat-sitting employment organisation cannot hope to be successful. Moreover, like other Government Departments, Rehabilitation ensures its incompetence by working on the cheap. Individual efficiency is resented by seniors.

As in all Government departments, competent men are silenced because it is inferred that the new ideas of subordinates amount to insolence. Furthermore, nearly all interviewing Rehabilitation Officers seem to be men from last war. Do these men thoroughly understand the mind and point of view of the ex-serviceman of this war? At this most important part of Rehabilitation, the determination: of a man's aptitude and qualifications, it does seem that there is every opportunity given for a complete misunderstanding.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 21 April 1945, page 6

I LITTLE-MAN, WHAT NOW? - War On Small Businesses

By John Isackson

WHEN men with small businesses go to war, their businesses often go to the dogs. What does Government do to rehabilitate such men?' Mr. Isackson examines one of many similar cases. With wide experience as Pensions Advocate and of Repatriation .and Workers' Compensation administration, Mr. Isackson answers letters addressed to him care of "Smith's Weekly," and sees callers to "Smith's" Sydney office on Wednesday mornings , from 9. o'clock, until .1 o'clock.

In 1941, a young man was running a carrying business. Authorities impressed his best truck and paid him £406.

He objected that he had paid £1009 for the truck a few months before; but got no satisfaction.

He carried on business with his remaining two trucks until, three months later, Army called him up. Unable to get anyone to drive his trucks, he jacked them up in a shed. " His wife wrote to him while' he was serving in Darwin that the trucks were deteriorating in the shed. He told her to sell.

Trucks were sold at less than half their value, the market being what it was. In all, on his assets, he had lost £850. When he had all three trucks, he had netted, from £20 to £30 a week. His' business assets and goodwill were worth about £2500. His complete loss was about £1900. After three and a half years' service,' he was discharged suffering from chronic asthma.

Repatriation gave him a pension of 7/6 -a week. He appealed against this this rate, and it was increased to 12/6 a week. Although he had been discharged ' five months when he got his increase, he was granted only three months' arrears. Nothing new 'in that. He got no answer when he asked to have the increase made payable back to his discharge. Nothing new in that, either.

He asked Manpower Rehabilitation, for a job. Best they could offer was a job as a truck driver at- £5/10/- a week.

So with the few pounds he had left he opened a small fruit business which returns him about £6 a week.

This is one of many instances of what war service has done to men with small businesses. From a comfortable income he 'has been reduced to comparative poverty. And best rehabilitation Government can offer this' man who had three trucks of his own, is the driving of someone else's trucks. In this case moreover, we see three Government departments callously treating an individual: Repatriation, Manpower and War Procurement.

Only worthwhile redress would entail a long and expensive legal action which the ex-serviceman cannot afford. Although he is making formal application to the department for redress, it is obvious that his judges will be those responsible for his loss.

Again, his health is not up to pre-war standard; and although he is being pensioned for asthma, which is a nerve disease, authorities have left out any consideration of neurasthenia, which might mean an extra pension.

If Government statements and legislation on Rehabilitation involve any principle at all, they involve, by direct statement and by implication, that rehabilitation means reinstatement to a standard at least not less than the pre-enlistment standard. What explanation can he offered of Government's treatment of this individual, representative of many men who before the war had small, independent businesses? This ex-servicemen's service has cost him his assets and his business, worth £2500, and his income of f2Q to £30 a week. His reward, or his rehabilitation, is asthma, a 12/6 pension, and a £6-a-week fruit shop.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 28 April 1945, page 6

DOCTOR, JUDGE THYSELF - Sits On His Own Diagnosis

By John Isackson

Some weeks ago, Mr. Isackson raised the question, whether a Tribunal could proceed to judgment without its -Chairman. Now he wants to know what constitutes independence in a Tribunal. A returned soldier who lost a leg in France last war, and with a wide knowledge of ; Repatriation problems, Mr. Isackson answers letters addressed to him care of ; "Smith's Weekly," and sees visitors to "Smith's" Sydney office on Wednesday mornings ; from 9 until 1 o'clock.

PURPOSE of War Pensions Tribunals is to decide finally any claim for war pension which may be in dispute.

Dispute could be whether the ex-serviceman's disability is due to war service, or whether the amount of pension is commensurate with the disability.

Tribunals are classified as independent bodies. They were set up at the request of returned soldier organisations which were not satisfied with Repatriation Commission's treatment of ex-servicemen after last war.

It is wrong that such independent bodies as tribunals should have as one or two of their three members men on the staff of Repatriation Commission.

An ex-serviceman told ' me recently that when he appeared before the Assessment Tribunal, one of the doctors on the Tribunal was a doctor who. had previously examined him at Repatriation Hospital for the condition in dispute. This hospital examination had determined the basis of the pension he was disputing. Ex-serviceman had appealed to the Assessment Tribunal, and at the Tribunal was again examined, by the doctor who had upheld the Commission's previous ' decision.

I do not wish to criticise the medical opinion, but the principle involved. For a doctor to be asked to adjudicate upon his own previous examination is, to say the least, ridiculous — this, notwithstanding his competence as a doctor. Apart from adjudicating on his previous decision, he is also technically an employee of Repatriation Commission sitting in judgment on a decision of Repatriation Commission.

How can a Tribunal so constituted be" considered an independent body?

In In all the circumstances, how can the ex-service appellant escape the assumption that the doctor may be prejudiced, whether prejudice exists or not? Justice, Dr. Evatt told us recently, must not only be done, but must be seen to be done.

Doctors are not required to understand the Repatriation Act. Their duty is purely to examine and assess pensions commensurate with accepted war disabilities, and to give medical opinion whether a disability is due to war service.

Practically every visiting Repatriation Commission doctor sits in turn on the Assessment Tribunal.

Repatriation Department administers the Act, and in doing so influences the spirit in. which it is interpreted. Is it guilty of misuse of its principles?

To infer that Repatriation Department is unconscious of the Tribunal set-up would suggest gross incompetence. If not, it suggests maladministration.

It is true that to-day there is a shortage of medical men, which, could be used as an excuse. But I know from experience that this state has existed since long before this war.

It is competent for an ex-serviceman to object and refuse to have his case heard if, in his opinion, his case is not being judged by an independent body. But unfortunately, should an ex-serviceman take this stand, he will assuredly be punished, as previous events have proved, not only by Repatriation Department, but by the Minister for Repatriation.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 5 May 1945, page 6

OFF AGAIN, ON AGAIN - PULMONARY FIBROSIS

By John Isackson

WHEN a disease reverts io latency, but leaves scars and a condition which interferes with a. man's normal way of life, should the man's pension go latent, too? Mr. Isackson produces an anomaly to Government's reputedly generous treatment of tuberculosis cases. Mr. Isackson, who has a wide experience of Repatriation from within and with-. , out, answers letters written, to him care of "Smith's."

REPATRIATION decision that post malaria involves no incapacity, and is therefore not pensionable, does not agree with the statements of many ex-servicemen suffering from post malaria.

To the present controversy on post malaria, I should like to add some consideration of pulmonary fibrosis. Commonly called arrested tuberculosis, pulmonary fibrosis is a state in which the tubercular bacillus has stopped work ' — usually only for the time being.

Temporary lull leaves the lungs scarred; scars develop a scaly surface which prevents deep breathing. Any exertion of the lungs then causes pain. Most, if not all, humans are said to have the

tubercular bacillus in their bodies; whether it becomes active or remains latent seems to depend on the chemical state of the body.

Sufferer from pulmonary fibrosis, therefore, having demonstrated a low resistance to the bacillus, must in future be on his guard; he must plan his life. Is it reasonable to decide that such a man has no pensionable incapacity? It is ridiculous to say that he does not suffer. He is subject to chill Discomfort he has in breathing denies him most social activities.

Suppose a man gets tuberculosis at 25. has it for five years, and then is rid of it for ten more years. Suppose that then it again becomes active and kills him in one year. At the age of 41.

Such a man, his disease having been recognised as attributable to war service or developed during war service, would have suffered for 16 years, for 10 of which he would have been thrown - on his own resources, without pension, and left to battle on as best he could. Who but Repatriation authorities would deny, a TB subject the rights to full compensation? Yet in contradiction of the administrative attitude of Repatriation a part of the Repatriation Act provides for stabilisation of a pension. If an ex-serviceman's condition does not change over a number of years, his pension for it becomes permanent.

And there are ex-servicemen who have been discharged with tuberculosis, and have "had their pensions made permanent, and who, although their tuberculosis has become inactive, are still getting their pensions because the pensions have been stabilised.

It is incomprehensible why one man suffering from exactly the same disease as another should not get a similar pension. Obscurity of the position reflects the inadequacy of the Act to deal with such cases. Tuberculosis and its products and stages, one of the world's most dread diseases, could very easily be given an evenly - distributable pension.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 12 May 1945, page 6

Smith's Weekly (Sydney, NSW : 1919 - 1950), Saturday 12 May 1945, page 6

WORRY AND WAR ANXIETY

By John Isackson

REPATRIATION can ill-afford to feel contempt for ex-! servicemen; but Mr. Isackson: I says that it treats some of them with contempt. A returned soldier of last war, with a wide experience of Repatriation problems and practice, Mr. Isackson answers letters addressed to him care of "Smith's Weekly," but for the time being will be unable to ' continue seeing visitors to "Smith's" Sydney office on Wednesday mornings.

ONE of the great problems presented to us by the war is that of anxiety neurosis.

Repatriation Commission considers it a disease unworthy of serious attention, awarding it miserable rates of pension and no treatment. Yet if ex-servicemen's minds are to be stabilised, it is important, that anxiety neurosis should get a No. 1 priority. It is a problem only if it is neglected. Ex-servicemen develop this disease to the degree of their ability to throw it off. Correct, treatment would have a direct bearing on successful rehabilitation; in fact, rehabilitation cannot succeed if anxiety neurosis is neglected. It is simply a state of mental anxiety. Those who are unable to control - the anxiety develop a mental obsession.

For instance, when servicemen get news of family troubles and are unable to get compassionate leave to go home and fix things up, they develop anxiety neurosis. Servicemen posted to outlandish non-combatant places in Australia where the monotony of doing nothing for weeks, months, ' and years is a mockery of the heroic spirit in which they enlisted, develop anxiety neurosis.

Still worse off is the man who saw action in the Middle East, came back to Australia, and after a few days' leave was posted to " Kurrabunka — this man who lived on his nerves in 'the East is now - forced to eat them.

There are many other unavoidable causes of anxiety neurosis. It is enough to say that the basis is. anxiety.

And for the returned serviceman Repatriation Department's unsympathetic attitude is added to the disease.

For instance, the department regards anxiety over, domestic matters as not due to war service it expresses a silent contempt for the patient. An ex-serviceman whose affairs I was handling was. told by a Repatriation doctor that if the doctor increased his pension, it would not cure his neurasthenia. Another, discharged nine months ago, got 2/6 pension. I applied on his behalf for an Increase. Pension was increased to. 5/- without any medical examination. He appealed again,

secured a medical examination, and pension was raised to 10/-.

A soldier cannot control his anxiety about his domestic affairs. It is Army which separates him from his family, at once making possible domestic difficulties, lessening his ability to look after his family, and, in a great many cases, refusing him compassionate leave to go home and put things straight. What right has Repatriation to deny that such a man's anxiety neurosis is caused by war? What right has a Repatriation official to treat such a man with contempt?

A little humanity from the authorities could relieve a man's mind, and if it does not cure him, might help to cure him. Certainly there is no medicinal value in contempt.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 19 May 1945, page 6

Can They Make You Sign Away Your Rights? - CHEAP BLUFF

By JOHH ISACKSON

CAN Army make a man sign away; his! rights to Repatriation? If so, is the signature worth the paper it's printed on? Mr. Isackson says it's not. ' ' A 'returned soldier who lost a" leg in France in last war Mr. Isackson is widely experienced in Repatriation problems, from within and without the Department. He answers letters addressed to him care of "Smith's Weekly;"

FOR a time during the 1914-18 war, men being discharged from the Forces were asked to sign a statement which would deny them the right to make future claims for war pensions.

Idea was that such soldiers as seemed reasonably sound at their final medical examination should have no further claim on Government.

(Many signed. Later, some re-lapsed, or latent illnesses contracted in Army appeared.

When these men applied to Repatriation for treatment, they were told. Nothing Doing.

But there were so many of them that they got the subject raised in the House of Representatives, and the practice of getting Soldiers to Sign away their rights, was stopped. For the time being.

A FEW days ago, a young officer who had just been discharged; handed me a statutory; declaration he had made, of an interview he had had with a doctor at his final examination. Declaration states: "Doctor said 'You have no claim, against Repatriation. Sign-here.' "Place I was told, to sign was under a rubber stamp impression which read 'Do you desire to claim a pension from the Repatriation Department?'

Doctor had written, in the word, 'No.' "I wrote under the stamp, 'except for any future treatment.'

Doctor said, 'I won't accept that.' "I said I won't alter it.' Doctor said, "You want to get but of; the Army now. If you don't, cross that out and, initial it I will hold you another 30 days.

"As I was being discharged on compassionate grounds I was compelled to cross out and sign. On becoming a civilian, I returned to the 1 Drill Hall and saw that there is also printed on the form the following notice:

" The Member, is to be warned that the answers given will be taken into consideration should a claim for pension be made later." "This was not -read to me nor to any other soldier to whom I have since mentioned it." Officer had served about four years, part of the time on active service in New Guinea. " It was proved during, last war that an ex-serviceman cannot sign away his rights to Repatriation. What was. true then is true now; in any case, I am convinced that he has a right to redress under Common Law, and that Repatriation Department, is well aware that such signed statements of indemnity are worthless.

Still, the bluff may work. Soldiers who sign may believe that, in fact, they have no further' claim. Thus, again Repatriation gains and the soldier loses. An ex-serviceman's right under the Repatriation Act- ' does not depend upon signed papers. If he at any time, even many years after discharge, contracts an illness which can be associated with his service, he can claim a war pension; nor can any statement he has made be used as evidence against that claim.

How should a serviceman be expected to assess his own health at discharge, let alone forecast its future?

I have known claims for war pensions to have been made 25 years after, the; 1914-18 war, and to have, succeeded. Repatriation Commission cannot refuse to accept any claim for war pension from an ex-serviceman. There is no time-limit.

It is disquieting to think that a Department which is governed by a most liberal Act of Parliament should be resorting to cheap, but affective, bluff.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 26 May 1945, page 6

KNOWLEDGE IS PENSIONS - Medical Histories

By John Isackson

IF a man doesn't ask, Mr. Isackson says this week, ' neither Army nor Repatriation will tell him. But if he asks, they cannot refuse to show him his medical papers. With a wide experience of both sides of Repatriation problems, Mr. Isackson answers letters addressed to him care of "Smith's Weekly."

ON discharge from the Forces an ex-serviceman is not offered the chance of examining his Army medical history. Most ex-servicemen do not know that there is such a thing.

Army records every serviceman's ' medical history .from' enlistment to discharge.

Moreover, it is the right- of the ex-serviceman, on discharge, to ask to see his medical history; and if he feels he will not be 'able to understand it, he has the right to get a competent person to examine it for him.

It would cut a lot of corners if every ex-serviceman were to make this examination. Also it would give 'him the same number of cards as his opponent, the Repatriation Commission.

During service, a man may have been several times in hospital. Each time, he may have some vague idea what' he is being treated for, but he never gets a precise diagnosis. For instance, a man may have shown signs of spondylitis. Later, he may be discharged suffering from neurosis, but not be told about the spondylitis.

Years later, the incipient spondylitis develops. "But unaware that it was contracted while he was serving, the ex-serviceman considers it is not ascribable to his war service. So, he does not bother to claim treatment or pension for spondylitis from Repatriation. He may go on like this to his death. Or he may in course of time meet someone wiser than he is, who will suggest a claim on Repatriation.

Repatriation will answer with a form, asking, among other questions: —"Why. "Why. do you consider your disability due to war service??' -Yes; with his full medical history, mentioning spondylitis, before it, Repatriation Commission ' can Still ask a serviceman to, explain why he thinks what the Commission knows.

Not only does the Commission withhold the information from the ex-serviceman, but it places the responsibility upon him to prove that it exists. Repatriation policy is to make things hard. Greater difficulties are added when the ex-serviceman develops, an illness which does not appear to be associated with his Army medical history. An ex-serviceman developed thrombosis. He happened to mention to me that he had been operated upon while he was in the Army for appendicitis.

We thereupon claimed that thrombosis had resulted from the operation. Repatriation applied 'the Endurance Test: Board, Commission; Tribunal. After many months Entitlement Tribunal granted the appeal. Therefore, it is most necessary, that a discharged man ' should' know everything Army has' to say, about his medical history otherwise Repatriation will hold all the cards.

Disgusting part of the business is that even the ex-serviceman who wakes up to it, and finally wins his Repatriation game, may lose months and years of pension which he might have had immediately he fell ill, if he had known his illness could be connected with his war service.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 2 June 1945, page 6

By John Isackson

DISCHARGED soldiers are walking about who are destitute and helpless, yet there is nowhere for them to go, and no one to look after their interests. Mr. Isackson, a returned soldier of last war, with a knowledge of Repatriation practice from within; and without, answers letters addressed to him care of "Smith's Weekly."

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 9 June 1945, page 6

I WASH TUBS FOR WIDOWS - Attributability

By John Isackson

DOES Repatriation Commission always extend to widows! of ex-servicemen the benefit of the doubt, as it is required to do by its Act? Mr. Isackson, who says it doesn't, has had a wide experience of Repatriation Department and of advocacy before Repatriation tribunals. He answers letters addressed to him care of "Smith's Weekly."

LAST week I wrote of ex-servicemen who, through no fault of their own, but mainly through lack of medical evidence of their condition, become social outcasts. This week I wish to set out a similar state of affairs which involves war widows.

Cases can be quoted in which widows struggle against the Repatriation Commission's decision, that their husbands' deaths were "not due to, or attributable to, war service," when these same husbands have been getting pensions for years before their deaths.

When a diagnosis of the cause of death is not exactly the same as the diagnosis of the ex-serviceman's pensionable condition, Repatriation can, and often does, challenge its war-cause or war-attributability.

For years, one ex-serviceman was getting a 25/- war pension for nervous dyspepsia. He died at the age of 59, with arterio sclerosis and cerebral haemorrhage, a condition which may seem to be divorced from nervous dyspepsia. But it cannot be denied that any excessive acid in the stomach is not a disease proper, but the result of something else which has not been traced. It can be likened to headache, which is not a disease-proper, but the result of some other condition.

Therefore, I claim that where a man has suffered from some internal condition which has not been finally diagnosed, and dies with some other Internal condition, there is enough evidence to require Repatriation to give his dependants the benefit of the doubt, in accordance with Section 47 of the Repatriation Act.

Proof that there is a doubt lies in the Commission's inability to prove that the original diagnosis of nervous dyspepsia was not associated with the diagnosis of his condition at death.

Thus Repatriation doctors assume the right to say "No" to a widow when they have no evidence to prove their contention. I myself am not in a position to say that the ex-serviceman died from his disabilities; but I can say that a very definite doubt exists, of which the widow should get the benefit.

I have had a number of similar cases. One widow, 60 years of age, getting 11/- war pension, said to me: "What is going to happen to me? At least my husband could earn a little while he was alive, and with the pension, we were able to make ends meet. I haven't a trade or a profession, and at my age the only way of earning a living seems to be cleaning or the wash tub."

I often wonder if those who administer the meaningless policy of Repatriation-on-the-cheap ever imagine the hopeless future of these unfortunate widows. And in these cases I have mentioned, I challenge the Repatriation Commission to prove my argument wrong, and to disprove (and under the Act the onus, of proof is on the Commission) that, the widow is entitled to the benefit of the doubt.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 16 June 1945, page 6

REHABILITATION OR REGIMENTATION? No One Responsible

By John Isackson

IS it the big-headed or the muddle-headed attitude of Bureaucracy which is responsible for blockages of ex-servicemen's rehabilitation? Writer, Mr. Isackson, who lost a leg in France in World War I, is an authority on Repatriation and Rehabilitation, and answers letters addressed to him care of "Smith's Weekly."

AS time goes on, Rehabilitation grows more and more confused.

No sincere effort has been made to complete a comprehensive scheme. It is left to a few conscientious men working by themselves to try to bring some order out of the violent tangle of departments. They can help individuals, but they cannot ensure an overall consideration and justice for ex-servicemen.

As with so many of Government's schemes and proposals, there is much hot air and meaningless activity. I challenge any Government official to tell me where an ex-serviceman can get a comprehensive instruction on ' Rehabilitation.

Two doctors who had served a considerable time in the Forces were recently discharged. They tried to set up a practice in a suburban area. Suburb of the proposed practice covered a large area and was seriously short of medical men.

Immediately these two doctors went to work on their own initiative, they struck trouble. Authorities placed permissions, formalities, regulations and other restrictions in their way. Finally, the position became impossible.

They came to me. I referred them to Repatriation Commission. I told them that the responsibility of Rehabilitation was Repatriation Commission's; and that, although Repatriation Commission had transferred Rehabilitation to another department, it should be able to give advice to returned soldiers.

Repatriation advised the doctors, all right — to see another department; admitting its inability to enlighten them itself. Doctors then proceeded to canvass a number of departments and organisations but got no satisfaction. One place informed them that they had no right to demand that their proposal be considered.

People of the suburb in which the doctors cannot practise are clamouring for medical attention. Two young doctors are prepared to aid them, but red tape, confusion and officialdom will not allow it. What has happened to Rehabilitation? At least something was done when Repatriation Commission was in charge. Were Repatriation officials doing the job too well? Did policy interfere?

Now, no one is responsible.

Schemes, ways and means, lie pigeon-holed for the future while ex-servicemen wander from door to door seeking advice. Probable reason is incompetence. Many a new Government department has been set up, its main members men who got their appointments, not because of what they knew, but because of whom they knew. When ex-servicemen who have the ability to rehabilitate themselves are not allowed to use their initiative, it is a very serious matter. Must they give up good jobs that are offering in order that they may be regimented by incompetent officials?

If so, what is the meaning of Rehabilitation?

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 23 June 1945, page 6

MEDICAL CROSS-EXAMINATIONS - Tough On Sick Men

By John Isackson

ARMY, instead of getting sick men out with utmost dispatch, keeps them hanging around to answer questions which may be used in evidence against them, says Mr. Isackson, who has wide experience of Repatriation, and answers letters addressed to him care of "Smith's Weekly."

TALKING to a young ex-serviceman who had served since the beginning of the war, and had recently been discharged medically unfit, I asked a few casual questions, and got an astonishing story.

It appears that when a soldier is medically boarded "D" — that is, for discharge — he is told to wait at the Discharge Depot daily from eight in the morning until four in the afternoon for the arrival of his papers.

He can expect to wait not less than two weeks. It can be argued that he is being paid for it; but it must be remembered that he is being discharged medically unfit — a sick man.

When a soldier is boarded "D," medical officer has the soldier's complete Army medical history in front of him. Examination should be enough to give the soldier his discharge within a few hours. But it is apparent that when a soldier is of no further use to Army, he is dead meat for the slow and slipshod methods of officialdom.

Further, the examination is made more than a medical examination. It becomes a cross-examination, an inquiry into a man's pre-war sicknesses and disabilities; its purpose is to try to associate a man's present disabilities with his pre-war state, and thereby to make grounds for disputing any claim, which may be made for pension.

Many men are so fed-up by the time they reach, "D" stage that they will say yes to anything that will hasten their discharge. I do not wish to infer that they want to avoid Army service; they are sick men who realise that they can be of no further use to Army and want to get out as soon as possible.

One case presented to me was that of a soldier being discharged with neurosis; he had some four years' service in an operational, area. He was asked if he had ever had a nervous breakdown before he enlisted. This man was not in a fit state to answer questions at the time. But he said yes. And this answer was successfully used against him when he appealed for a pension. And he told me he had said yes to the question because he was fed up and depressed, and wanted to get away from everything and rest.

Yet, supposing his statement had been true, and that he did have a nervous breakdown before he enlisted, would it not be reasonable to conclude that his war service had caused his second breakdown? Surely there could be no doubt on that point! Still, it might save money if authority contested the point, and this is policy.

Another very interesting part of discharge ceremonies is the dental examination. Dentist examines teeth, and if a man's teeth need attention dentist tells him so. But if the man says "go ahead," the dentist says "Oh, no"— in the words of one of them; "that's your pigeon now." Why the examination? Why waste the time of paid dentists? Apparently it is policy to waste money in the Forces; and to force ex-servicemen asking for just compensation to pay for their own medical treatment.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 23 June 1945, page 6

FAITH AND CONFIDENCE

"SMITH'S" is to be commended for getting John Isackson on to its staff as adviser to discharged servicemen. As I see him, his principle is one of man's humanity to man, a virtue that seems foreign to the Repatriation Department. One sure thing is that he will have "the faith and confidence of all who seek his advice and help. —

C. B. Calvert, Tempe, NSW.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 30 June 1945, page 6

NO MOTOR CAR FOR HER - Widows' Pensions

By John Isackson

HAS an ex - serviceman s widow, who has spent a great deal of her life nursing her husband, no more claim upon the nation than the old age pension? Mr. Isackson, who ' asks the question, is an ex-serviceman of the 1914-18 war, with a wide experience of Repatriation problems. He answers tetter's addressed to him care of "Smith's Weekly."

UP to now I have written of the difficulties and grievances of Australian ex-servicemen.

This week I should like to set out an imperial Army case which is full of injustice. Recently a discharged Imperial soldier of the 1914-18 war died in hospital with pulmonary tuberculosis. His widow complained to me that her pension had been stopped immediately after the ex-service-, man's death.

She had made inquiries and had been told that her late husband received an Imperial pension for chronic asthma; but as he died of pulmonary tuberculosis, his death could not be attributed to his war service.

Widow sought further advice elsewhere, and was advised not to fight the case. If she won, she was told, she would gain only 10/- a week, whereas, by applying for the old age pension, to which she was entitled, she would gain 82/- a week. It was further pointed out that if this widow got the old age pension of 82/-, and then went on to get the 10/- war service pension, the 10/- would be deducted from her old age pension and she would be no better off.

This widow, who nursed a sick ex-soldier for many years, has to take the course of ordinary claimants of old age pensions.

Two points will bear stressing:

First, while there is no actual connection between chronic asthma and pulmonary tuberculosis, pulmonary tuberculosis could be, and more than likely was, actuated by chronic asthma. Pulmonary tuberculosis can develop after a period of physical weakness. Anyone who has watched the distress of a chronic asthmatic must agree that chronic asthma could cause general weakness. To infer that there could be no association between chronic asthma and pulmonary tuberculosis is a flimsy way of avoiding responsibility: I should like to see them prove it, who are required by law to prove it beyond 'doubt.

Secondly, if the widow received the old age pension, she would, forfeit her war pension. Act prescribes that no person is entitled to draw two pensions. Yet as an old; age pensioner, she is allowed to earn 12/6 a week; thus, the aged must work if they find 32/-a week inadequate; and the aged widow who has worked through her later life looking after her sick ex-soldier is deprived even of the extra 10/- which the nation has provided, not because she is old, but because she is an ex-serviceman's wife. In other words, to be an ex-serviceman's wife who does not need a pension is to be entitled to 10/- a week from the nation; but to be old, and destitute, is to lose that 10/- a week.

Why?

There is no answer. Moreover, if the widow had not reached the age entitling her to old age pension, she would have to make do on merely the 10/- "a week. In whichever case, or even if some miracle happened and she was allowed to have her 10/- and her 82/— -a whole two guineas a week— one thing is certain: She still wouldn't be able to buy a motor car and take a trip round the world.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 7 July 1945, page 6

Unequal' Preference? MEN KEPT BACK

By John Isackson

A MAN who gave up a good job to enlist, but did not get away — will he get a fair deal under Preference provisions; for returned soldiers? Mr. Isackson, who says he won't, is a returned soldier who lost a leg in France last war. He answers letters on repatriation problems sent to him care of "Smith's Weekly."

IN recent months we have heard a great deal about preference to returned soldiers.

It is right that the returned soldier should be preferred. It reflects little credit on the community that men who have endangered their lives should have to fight for such a privilege, which is justly theirs, and which should form the code of every employing citizen — loyalty to men who have made it possible for industry to live, and for organisation to continue, is something which should be not only automatically but gladly given.

I feel that the controversy on soldier-preference has caused ill-feeling towards returned men. If Government had spent as much on advertising the duties of citizenship as it does on election campaigns of one kind or another. there might have been no need for the bitter arguments which we have heard; and possibly there might have been no necessity for the Returned Soldiers' Preference Act.

On the other hand, we have men who have served years in the Forces, but have not been out of Australia; not because they did not want to go. but because they were not allowed. Because they were not allowed to take as great a risk as others, there is a great difference between the privileges such men get on I discharge and the privileges granted men who served overseas.'

It is not only confusing, but ridiculous, that a water-line outside Australia and one or two areas in the far north are claimed as combatant areas.

One can reflect back to the early part of the war, when all Australia was a threatened area Men who were not allowed to reach any of the declared combatant areas will have very limited privileges: and yet their real sacrifice to the war may easily be as much as that of any man unharmed after service in a combatant area.

I mean, that a man who does not get to a combatant area may give up as much as a man who does, to go into Army — and we are talking of the rehabilitation of such men. I have a letter in front of me from a soldier's wife. Her husband left a good job to join the Air Force. Through no fault of his own. he was kept in Australia He has served four years, and is still serving. His wife says her Service pay keeps her and her family in bare necessities only.

When this man is discharged, he will not get the privileges of a returned soldier, and his wife is worried about" their future, and feels that economically they will be worse off than they were before his enlistment.

All because he was not lucky enough to get abroad.

On the one hand we have men who have risked a great deal; on the other we have men who were not allowed to take the risk Problem is one which can be solved by a Government which has the courage and efficiency to do the right thing, instead of playing politics and pandering to a few.

Smith's Weekly (Sydney, NSW : 1919 - 1950), Saturday 14 July 1945, page 6

THEY DON'T MIND YOUR BUSINESS - BUSINESS LOANS

By John Isackson

EVEN if an ex-serviceman gets a loan to establish a small business, Mr. Isackson says this week, Government! does nothing to ensure that ex-serviceman's business gets a chance of success. With a wide experience of all kinds of repatriation problems, Mr. Isackson answers letters addressed to him care of "Smith's Weekly."

IT is part of Repatriation to establish in business the ex-serviceman who has had experience in business or who owned an established business before he enlisted.

This provision seems reasonable enough in the Repatriation Act, but, like so many other provisions of the Act, becomes meaningless when the ex-serviceman invokes it.

First you must run the gauntlet of wearisome questions and supply a great many details of your eligibility to the Department.

Then you set out to get an established business, or to open a new one. Your real trouble, then begins. You find that the prices of established businesses are ridiculous, and, at any rate, beyond your capital. So you go into the possibility of establishing a business. You must first overcome the colossal obstacles of quotas, fixed prices, restrictions, controls and other complications.

For instance, if you were establishing a small mixed business, you would find it easier to get through a brick wall with the aid of a needle than to get a tobacco quota. Yet without tobacco to sell, the mixed business will flop. People who get even a small quantity of tobacco from a small store are forced to continue their patronage or go without tobacco.

As a soldier you fought for your country, and you don't mind fighting for a living— if you have a chance. But you aren't in the hunt. Can you buy a new business? You are then up against the chain stores, monopolies, wholesalers who control their own stores. Their travellers visit the privately-owned shops which order £50 worth of goods but get only £10 worth — if they are lucky. Any commodity which may be scarce goes into their own stores; your private store gets the unpopular goods; i.e., the left-overs.

There is little in running a business on left-overs, and less if you have a chain-store opposite you. You are still not in the hunt.

I have a letter from an ex-soldier who complains bitterly at the frustration of his efforts to get back into civil life. He doesn't mind a struggle, provided he gets an even break. He compares his position with that of many newcomers to this country who are not ex-service men. It is not good enough merely to pass Acts. If Government legislates to assist ex-servicemen in discharge, it should see also that the legislation becomes effective.

What have Australian governments done to ensure that their easy, vote-catching promises to ex-servicemen are carried into effect? Practically nothing. Rehabilitation is merely a meaningless political catch-cry.

Smith's Weekly (Sydney, NSW : 1919 - 1950), Saturday 21 July 1945, page 6

MARCHING ON STOMACHS - REPAT EVADES PRECEDENTS —

By John Isackson

DOES wearing an artificial leg cause stomach trouble? This week Mr. Isackson, a ' returned soldier from last war, and an authority on repatriation problems, says it can. He mentions a claim ' that was made, and how Repatriation dealt with that claim.

ONE of our eminent doctors recently said he was convinced that neurosis, whatever its cause, had an important bearing on a man's physical condition.

He went as far as to say that even cancer could be caused by nervous prostration. And even to a layman, this seems a reasonable enough proposition. A man might easily hold his arm erect for two minutes; but if forced to keep it there for eight hours, the result would be terrifying, not only physically, but mentally.

Thus it is reasonable to assume that any sustained physical or mental strains may affect a man's nervous state, and that the nervous state may affect physical organs.

I mention the point in leading up to a rather interesting case in which limbless soldiers claimed that wearing an artificial limb caused 80 per cent of wearers to suffer, from stomach

trouble, especially such as had amputations above the knee. First stages of wearing an artificial limb are painful and mentally distressing enough in many instances to develop neurosis.

Further, walking with an artificial limb brings the back into action — you can see this if you watch a limbless man raising himself on the toes of his remaining leg and swinging his artificial leg with the trunk of his body. It is an action which naturally involves a strain upon all the organs above the hips.

Well, the limbless soldiers went to Repatriation with a claim that a certain ex-serviceman's stomach trouble was caused by his wearing an artificial, leg.

Repatriation doctors laughed: the ex-serviceman persisted; on his case depended the cases of 500 limbless ex-servicemen who suffered in the same way.

Finally, Repatriation doctors saw a way out. Delving into the ex-serviceman's medical history, they found that some time previously he had suffered from neurasthenia, so they blanketed him down with a pension for nervous dyspepsia.

Thus they avoided "creating a precedent," which all Government departments are most reluctant to do, by what they call "treating each individual case on its merits." Nervous dyspepsia may be the result of some other organic trouble.

But as to what other organic trouble the ex-serviceman might have which would account for the nervous dyspepsia, Repatriation showed intense incuriosity. Having discovered nervous dyspepsia, it lost interest. Further inquiries might have uncovered some serious disability, treatment of which might cost Repatriation a great deal of money. Further inquiries might even bring the nervous dyspepsia back to the wearing of an artificial leg!

To avoid responsibility is policy, and the health of ex-soldiers is calculated in £sd.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 28 July 1945, page 6

BRUSQUE REPAT. BRUSH-OFF - "What's Wrong Your Nerves ?"

By John Isackson

WHEN an ex-servicewoman goes to claim a pension for I neurosis, should she be examined like a patient, of cross questioned like an ex-convict? Mr. Isackson's own habitual politeness is strained only when he considers the attitude to ex-servicemen seeking pensions of Repatriation officials, on which, as on all Repatriation matters, he is an authority.

A VERY indignant young lady, recently discharged from the Forces, told me of how Repatriation Commission treated her when she applied for a war pension for neurosis.

It was on my advice that she had applied.

Having applied, the young lady got a letter from Repatriation Commission asking that she attend at 10 .o'clock on a stated morning for medical examination.

She arrived and was allowed to cool her heels for two hours before being ushered into the medical room. A doctor seated behind a table was poring over some sheets of paper, apparently the young lady's medical history.

"Well," the doctor said sharply, "what's wrong with you?". Young lady said it was on account of her nerves.

"What's wrong with your nerves?" the doctor barked. "I don't know," the young lady said. "That's why I came here; to seek medical advice."

"What makes you think your nervous state was caused through being in the Forces?" the doctor asked. "I was medically fit when I enlisted," the young lady said. Doctor then proceeded to cross-examine the young lady with questions which bore on the possibility of her having had neurosis before she enlisted.

Then he advanced to a very short medical examination, of pin-pricking and finger-tapping. Young lady felt she had been cross-examined. rather than medically examined; and felt that the doctor's manner was arrogant and rude; more that of a judge than of an examiner of human ills.

If Repatriation doctors have reached through long service a stage at which they cannot even be civil to patients, it is time they were removed. Much credit must be given to our servicewomen. I have seen them driving heavy trucks and other heavy vehicles. Should their nerves collapse because of the anxious work, are they to be treated as malingerers and cheats?

Is the Repatriation Commission utterly saturated with the feeling that no-one is on the level because it believes that everyone is out to do it in the eye, or has it developed the mental state of the chiseller who, having chiselled all his life, is firmly convinced that everyone is out to chisel him?

Our women's Services have done a great job in this war, and I feel that the public will not tolerate shabby treatment of them by Repatriation.

My advice to all women discharged from the Forces because of ill-health, is that they should be thoroughly examined by a private doctor immediately on discharge, for this reason, that the real complications may not show until later. You are justly entitled to compensation should you suffer some ill attributable to, or caused by, your service in the Forces.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 4 August 1945, page 6

MORE ABOUT MALARIA - DOES IT RECUR

By John Isackson

HAVING been accused of talking balderdash for saying there is recurrent! malaria. Mr. Isackson, an authority on Repatriation matters, and in his own right one of the most indomitable recurrers a self-satisfied officialdom has ever had to contend with, returns to the attack.

SOME time ago, when I gave the opinion that there was such a thing as recurrent malaria, I was contradicted by a Repatriation doctor on the War Pensions Assessment Tribunal, who said my statement was balderdash, and that ex-servicemen confused the common cold with malaria.

Since then, I have got together a few more facts. Soldiers who have had malaria are forced by Army Regulation to take atebtrin daily. Furthermore, a soldier, who does not take his atebtrin and who suffers a relapse of malaria, is charged "with self-inflicted malaria and is punished accordingly.

Army view is that atebtrin prevents recurrence of malaria. Repatriation doctors say discharged soldiers do not suffer from recurrent malaria. So malaria is not pensionable. Lately I have seen a number of soldiers on leave from New Guinea who have neglected their daily dose of atebtrin.

One of the soldiers had three attacks of malaria in two weeks. I asked him why he did not report to hospital. He said he didn't want to be crimed for not taking his atebtrin.

A batch of soldiers who were on leave recently is being experimented upon. Army instructed them not to take atebtrin while on leave. Most of these soldiers had several attacks of malaria. Here is the point: — Repatriation, without evidence, disputes all claims for pensions for recurrent malaria.

Worse still, It has issued a regulation that malaria is not pensionable. Being so certain. Repatriation Commission still allows the ex-serviceman to lodge an appeal against a Repatriation decision that he gets no pension for malaria. Such an appeal goes to Melbourne, and, failing, may proceed to the Entitlement Tribunal. Why? Why such a waste of the time of highly-paid officials and of the claimant, if the claim is doomed from the start? There is much to be learned about tropical disease.

Apparently, Army is willing to keep an open mind, and to experiment and investigate. But I am still to be convinced that Repatriation is willing, or even interested. Repatriation doctors, whose

only investigating the reading ' of individual medical histories, decide issues which are vital to the health and security of discharged servicemen.

There will be a Repatriation Department for many years, governed by a most liberal Act, Why the Act cannot be liberally administered is a question which only the administrators can answer.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 11 August 1945, page 6

TWENTY YEARS AFTER - AGUING PENSIONS

By John Isackson

THIS week Mr. Isackson whose advocacy of ex-servicemen's pension cases he believed in stopped neither at court decisions nor at the loss of his job as a pensions advocate, gives an instance of what can happen when a case is insufficiently presented to a Tribunal.

MANY ex-servicemen from last war and from this war who were injured during service get neither pension nor treatment.

Sometimes the reason is that their cases have not been well presented to Repatriation Commission and War Pension Entitlement Tribunal.

One man was 20 years getting a pension because of this. During last war, this soldier had two bouts of myalgia, and was sent from France to England for treatment. He recovered, and was discharged 12 months later, war having ended. A short while after discharge, he developed what he thought was lumbago. It was diagnosed as spondylitis — fibrositis and sciatica. Repatriation Commission refused his claim for pension, and he went on to the Tribunal.

His pensions advocate took him before the Tribunal, and all he had to say was to ask the soldier if he had anything to say. Pensions advocate probably did his poor best; but whatever he did does not justify Tribunal's disallowance of the claim. Medical history before the Tribunal clearly showed that the ex-serviceman had suffered during service from myalgia. Tribunal members must have known that myalgia, spondylitis, fibrositis and sciatica belong to the same rheumatic family, and can be easily connected. There should have been no question of disallowing; the claim.

So the ex-serviceman suffered many years and had to pay for his own treatment. Eventually he grew so ill that he could not work. Then he saw me about a claim he was making for a gun-shot wound above the eye which was affecting his sight. Claim for this had also been disallowed by Repatriation.

Just as he was about to go before the Tribunal, I saw his medical history of myalgia and the disallowed claim for spondylitis. fibrositis and sciatica. I asked Tribunal members to allow a further claim for his rheumatic state, citing his medical history. Tribunal suggested that a fresh claim be made to Repatriation, the point raised to be used as fresh evidence.

Claim was made, and succeeded. Tragedy of this case was that, if the one very obvious point had been raised 20 years ago, the ex-soldier could have received full treatment and probably could have been cured while his disease was in its early stages. But because of incompetent presentation and a sleepy Tribunal, the ex-serviceman suffered for 20 years, and became incapable of working. In addition, he could claim only six months' arrears of pension out of the 20 years to which he was justly entitled. "Fair Go, Aussie," is not a Repatriation slogan.

Sun (Sydney, NSW: 1910 - 1954), Monday 13 August 1945, page 2

Pensions Case Settlement

A High Court case was settled today by agreement after counsel for one of the parties had stated that any allegation suggesting bias against members of a War Pensions Entitlement Tribunal was withdrawn.

Robert John Griffiths, of Elswick-street, Leichhardt, had been granted a rule nisi calling upon the members of the tribunal, Messrs. O'Sullivan, Dibdin and Hickey, to show cause why they should not be compelled to allow John Isackson to appear before them as Griffiths' advocate in a war pensions appeal hearing.

According to affidavits filed in the case the tribunal had disallowed the appearance of Isackson as an advocate, following a statement allegedly made by him in the Press that the tribunal was differentiating in its decisions between ex-servicemen who had served in combat areas and those who had not.

Mr. Howard Beale (for Griffiths) said that in compliance with the terms of agreement, any allegation which had been made against members of the tribunal suggesting bias, or in any way impugning the integrity of the tribunal, was withdrawn. The Chief Justice (Sir John Latham), on behalf of the Court, then made an order discharging the rule nisi.

The members of the tribunal withdrew all objections to Mr. Isackson appearing before them as a war pensions appeal advocate.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 18 August 1945, page 6

NOTHING'S A TRIFLE MEDICAL RECORDS

By John Isackson

THIS week Mr. Isackson 'shows' how the widest experience of repatriation practice can fail a pensions advocate when an ex-serviceman has neglected to have recorded the medical history on which a claim for pension could be based.

THOUSANDS of men and women will have only one desire now — to get out of the forces as soon as possible; not because they are unpatriotic, but because, the job having been done, they want to get back to the civil life for which they fought.

But don't hurry too fast. Here is what happened to a man who was in a hurry to get out of Army after last war:

During his progress through the discharging ritual he was asked if he was suffering from anything which could be attributed to his war service. He was anxious to be discharged without further trouble or delay or medical examination, so he wrote "No" on the dotted line and signed it.

Eye-trouble which he had at the time he signed the form did not seem serious, and after his discharge' it went away altogether — he thought some years later his eyes began to worry him again. He went to a specialist. Specialist asked if he had ever had an injury to his eyes.

Ex-serviceman couldn't think of anything. He mentioned casually the tear-gas attack in France after which he had been treated by the sectional medical officer only. A trifle.

But the eye specialist didn't think so. He considered that the trifle could easily have caused the ex-servicemen's present eye trouble, and suggested that he should apply to Repatriation Commission for treatment.

But Repatriation would not play ball. Minor medical examinations are not usually recorded by Army doctors; and there was no record of the tear-gas in this man's Army papers.

Ten years after discharge he had no evidence to submit in support of his claim for Repatriation pension or treatment. His anxiety to be "discharged" quickly had deprived him of the evidence of a final Board.

Later he went blind in one eye, and his other eye was seriously affected. He tried looking up men who were over there, with him, who might have remembered his being gassed, but had no success.

I lost trace of 'him,' and I don't know what has happened to him since.

I cite this, case! As a warning to all Service men and women, to make sure that on their discharge they have a medical history of everything which has happened to them on service, and that such happenings are correctly recorded in their Army papers.

You owe this care not only to yourselves, but to your wives and families.

You must remember that at the best, Repatriation Commission is there to administer only an Act of Parliament, and if you are unable to comply with the conditions set out in the Act, you must fail to get pension or treatment, not because of Repatriation Commission's attitude, but because of your own neglect.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 25 August 1945, page 4

TRIBUNAL PAYS ISACKSON CASE COSTS

ALMOST exactly a year after Mr. John Isackson was suspended as Pensions Advocate by the War Pensions Entitlement Tribunal, a settlement has been effected by which Mr. Isackson, having made a statement) is to be readmitted to Tribunal hearings, and the Tribunal is to pay costs of the mandamus action before the High Court.

IN June of last year, Mr. John Isackson, then Pensions Advocate and Acting Secretary to the Australian Legion of Ex-servicemen, made certain statements which were published in the Press. Chairman of the War Pensions Entitlement Tribunal, Mr. O'Sullivan, demanded a justification of the statements. Mr. Isackson complied. July 14, 1944, Tribunal Chairman said Mr. Isackson's reply amounted to "nothing more than a criticism of the Tribunal's decisions, which criticism is not merely impertinent, but 'futile.'" He regretted that the Tribunal could not "punish" Mr. Isackson and the offending newspapers and demanded a withdrawal.

Mr. Isackson replied:

"I am prepared unreservedly to withdraw my charge of discrimination against the Tribunal as a whole or against any of its members" and went on to say that his criticism was of Tribunal's interpretation of Section 47 of the Repatriation Act (the 'Onus of Proof').

"In saying this," he added, "I clearly state that I am not making any personal reflections on any member." Tribunal Chairman considered that the "personal honor and integrity" of the Tribunal were "impugned" by the terms of this withdrawal, and suspended Mr. Isackson as Pensions Advocate. "Smith's" (19/8/44) said: "Mr. Isackson is not accusing the Tribunal of dishonesty. He has said so twice. Nor is 'Smith's' accusing the Tribunal of dishonesty. Nobody is accusing the Tribunal of dishonesty." Suspension stood. After a month or so Legion being without a Pensions Advocate who could appear, it was suggested that Mr. Isackson write a withdrawal to the Tribunal's order. He refused and was displaced.

A Pensions Advocate without a hearing and without an organisation, Mr. Isackson kept going. December 22, 1944, Mr. R. J. Griffiths, a former, and first, President of the Legion, got an order from Mr. Justice McTiernan for the Tribunal to appear before the High Court to say why Mr. Griffiths should not be represented by Mr. Isackson in an appeal pending, before the Entitlement Tribunal.

When the case came before the High Court on Monday of last week, counsel for the prosecution, Mr. Beale, said Mr. Isackson had authorised him to say that before proceedings Mr. Isackson had withdrawn any allegations suggesting bias on the part of the Tribunal and that no other statement, he had made was intended to impugn the integrity of the respondents. Counsel for the respondent Tribunal, Mr. Kitto, then said that in view of Mr. Isackson's statement, Tribunal withdrew all objections to Mr. Isackson's appearing before it, as representative of the. prosecutor, Mr. Griffiths: or of any other appellant.

Also, that the respondent Tribunal, without making any admissions, would undertake to pay prosecutor's taxed costs of the proceedings.

Both parties asked that an order be made that the prosecutor's costs be taxed. Order was made.

Thus Mr. Isackson, having made a statement, substantially a repetition of his statement made a year ago, wins back to hearings by the Tribunal, and the Tribunal pays the costs of the legal action as a result of which Mr. Isackson is readmitted to Pensions Advocacy. (Decision on costs will please members of the Granville branch of the Australian Legion of Ex-servicemen, who stood behind the case and paid a considerable sum towards the costs, which, will now, of course, revert to them.)

Smith's Weekly (Sydney, NSW : 1919 - 1950), Saturday 25 August 1945, page 6

THE PROSPECT BEFORE US - WINNING THE PEACE

By John Isackson

INSPIRED by last week's victory celebrations and, no doubt, by the result of a High Court action last week (see page 4), Mr. Isackson considers that it might not be , such a hard, cruel world if only people would have faith.

NOW the war is over, can we look forward to a transference of the cooperative spirit which made peace victorious for us from the problems of war to the problems of repatriating and rehabilitating the thousands of men arid women about to be discharged from the Forces?

We should. , We cannot hope for it to happen if we do not believe it can happen.

Many, remembering the ugliness which came over the face of the peace of last war, have formed committees for protection of ex-Service men and women, and the assumption, behind these moves reflects little credit on the Australian public.

Myself, I feel that most Australians are fair dinkum. If the ex-serviceman got a bad deal after last war, it was because we lacked knowledge and experience. What happened? A few of the vultures you find in any community swooped down on the deferred pay and war gratuities of thousands of discharged men.

To get returned soldiers into jobs, Governments had . to bring down Preference Acts. Rehabilitation was half a joke.

Repatriation was the travesty of a liberal Act. A grateful country granted the Digger his Anzac Day — at any rate he would be able to meet his cobbers once a year.

A statesman promised that he would make Australia a "land fit for heroes to live in." No doubt he meant to. But it didn't happen. Ex-Service men and women do not. claim privileges . for ' themselves at the expense of other men and women; but they must get at least an equal enjoyment of the liberty and freedom-from-want which they ensured for others.

Post-war problems cannot be solved without co-operation. To find immediate employment' for the thousands of ex-servicemen who will be seeking it may be impossible, but its possibility will be hastened by an intelligent community, thinking and working as a nation, for the benefit of all, and not for the benefit of a selfish few.

Full clothing, food distribution and shelter can be provided by an economy based on the intelligent co-operation of the people, and on the people's capacity: not on false values.

Let us look forward to such , a glorious victory in peace ' as will mean something — ' enough — for everyone. If we cannot believe in it, we cannot expect it to come to us.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 1 September 1945, page 6

PROBLEM OF THE WOMEN'S SERVICES

By John Isackson

MR. ISACKSON deals this week with the case of a problem child from the Women's Services — a girl whose whole outlook has been changed by her Army service. She has asked him how they intend to rehabilitate her in civil life — and, quite frankly, he doesn't know.

A RATHER pointed question was put to me a few days ago by an ex-servicewoman. She had been in the Forces about four years.

Prior to Enlistment her views on the future were just ordinary — that was. to fill in her time on some light congenial employment until she met her mate — then get her home and family.

This view was quite healthy and natural. She explained to me that her views of the future now were not the same. How is she to be rehabilitated? During her service she had been engaged in driving motor vehicles, both cars and trucks, had mixed with men and women on a basis quite different from ordinary civilian life — companionship, fellowship, an equality of work.

Her previous feeling of docility and submissiveness towards the male had vanished. She concluded that the male was not such an extraordinary person after all. She felt an equality not only in work, but on all other matters.

Her question was, what was her position regarding rehabilitation? She understood that repatriation was to place her in no worse position after serving than before enlistment, but as her views of life had so altered because of service, she had no desire to revert to the placid little woman she was prior to enlistment.

She wanted to retain that feeling of equality, at any rate in mental outlook, that Army had given her; and had no desire to become the chattel or slave of a basic- wage-earning male — to have babies, and live in semi-poverty.

She wanted to feel free, equal and something of importance. Family life was wholesome and - good provided that male and female had an understanding of equality — not only mentally, but economically.

The question was certainly a tough one to answer. I am doubtful if the question could be answered at all. It must be borne in mind that whatever view this young lady had, it had been inspired by Army service. It is not a disease, nor an incapacity, but purely a mental development arising out of experience. She may be right — very right — and a problem indeed.

With a half-baked Rehabilitation that has not to date solved a small percentage of ordinary soldiers' problems, it is difficult to conceive this organisation doing anything effective in the case of the women's Services. What is the meaning of rehabilitation for discharged ex-servicewomen? A question to be answered.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 8 September 1945, page 6

SCIENTIFIC APPROACH MACHINE-AGE PROBLEM

By John Isackson

NOT at all satisfied that Australia is making the right approach to the rehabilitation problem, Mr. Isackson suggests in this week's article that, unless the question is tackled in a scientific manner, hopeless confusion will result.

WHILE a lot is being said regarding rehabilitation, I, like many others, am still awaiting the concrete plans of authority.

In view of the delay and the excuses, it would suggest that NO really serious thought or action is being taken.

Rehabilitation is an extremely big problem and therefore it means a tremendous amount of thought and energy to make it successful. To play with such a serious question is a crime against the nation.

Suggestions I have read and the words I have heard spoken, would infer that rehabilitation is being patterned on pre-war and post-last war conditions.

If this happens, rehabilitation is doomed to fail.

To pattern the future on the past is not practicable. The matter requires a scientific approach. We are living in what might be termed a "machine age."

War because of its extreme demands — accelerates beyond imagination the development of the machine. We have heard, during war, of sea-going cargo ships being built in a matter of days, bridges in hours, and roads at 30 miles a day, the output of war materials at lightning speed, food and clothing produced for large forces of men and women besides the home consumption. All this is done by comparatively few people.

This is only possible with the aid of the machine. War gives birth to its speed and efficiency. The efficient machine cannot be destroyed. It is here to stay and develop, displacing men in countless thousands.

One qualified engineer and a thousand process workers- displace craftsmanship and go the machine gallops on, leaving a trail of unemployment, confusion and instability. Thousands of young boys in their eighteens, on enlistment, are now fully-grown men who look forward to the reward for service rendered — the scheme of rehabilitation.

They have the right to demand more than being process workers. Point I have raised is only one of the many complications that rehabilitation must grapple with.

Therefore, it requires the best of our intelligence and a scientific approach. Otherwise, chaos must result. Placing on the scrap heap of men who have served their country faithfully, which happened after the 1914-18 war, must not occur again.

If the people stood by their country in time of national distress, that same country must stand by these people in times of peace. The world was never intended to satisfy a selfish few, but to be fit for all people to live in.

A new philosophy is then created, and, with the aid of the machine, human demand can be met to the full. Rehabilitation, therefore, not only means a scientific approach, but a philosophic one, without which men and women must suffer.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 15 September 1945, page 6

REHABILITATION OF YOUTH - Young Soldier Problem

By John Isackson

YOUNGSTERS who joined the Services fresh from school — what is the nation going to do to help them fit into the civil life of the community? Mr. Isackson deals with their problem this week, and ; urges that they must, by their own effort, play the larger part in their individual cases to secure for themselves a place in the civil pattern- of Australian life.

PLACING and training of thousands of young men who, at the age of eighteen, were called up for service is going to be one of the most difficult problems of the future.

Problem must be divided. One part with which I will deal is the treatment of that peculiar or, should I say, unnatural psychological outlook which only the Army can cultivate.

Boys who, prior to enlistment, had barely left school, were called to do the job of men, suffering regimentation, unnatural living conditions, fear and deprivation.

Army has taught them to be men and, owing to their period of service, they have become men. They are no longer boys. The youthful mind is susceptible to training. Soldier boys become soldier men. They have no vocation to fit them for civil life.

Civil life will be strange and perhaps uninviting for many.

Their nerves are torn. Their mind's unsettled and they have to start life afresh.

It is thought that a grateful country will treat them liberally for services rendered. Their short-circuited life has to, be repaired and future' vocation established.

These boys are the men of the future' and every facility "should be made available to fit them in their proper places.

Psychologically they are unsettled. A large number will have no ideas as to their future. Many will go from job to job seeking something — they know not what.

Settling of their own mental outlook depends mainly upon themselves. Most important thing is that they should understand and become conscious that their unsettled outlook is the product of war and has to be changed in times of peace. Time and understanding are the only remedies. In no circumstances must the condition be aggravated by niggardly and ill-advised Government administration.

I wish to stress the importance of individual understanding because it can be believed that conscientiousness is the basis of intelligence. The greatest doctor of man is man himself. Provided he knows what is wrong, the simplicity of the unsettled mind can be healed readily. Boys who struggled during their army life will have to struggle to attain their civil objective.

Struggle can be regarded as a virtue. Without it there can be no life as we understand.

Therefore my advice to those boys who have served so long is to continue to fight and struggle for their own emancipation.

Authority can do little other than provide the facilities— education and intelligent advice.

Smith's Weekly (Sydney, NSW : 1919 - 1950), Saturday 22 September 1945, page 6

A BATTLE OF WARS — Repats New Joke

By John Isackson

THIS week Mr. Isackson, who 'has studied Repatriation for a long time from inside and outside, has news of a new and wonderful division of that Department's manifold activities. Repatriation is being cut up into wars; and if you don't apply under the right war, you have to go outside and try again!

At a place where I was lunching recently, I met an old soldier whom I had known in the 1914-18 war.

He was displeased with Repatriation Commission.

He had enlisted in the war just ended and had been discharged medically unfit after having a major operation to his stomach. Repatriation Board had rejected his claim for pension and treatment because it considered he had contracted his stomach trouble before he had enlisted.

Ex-soldier did not deny this. He told them, in fact, that there was enough evidence in the medical history of his 1914-18 war, service to prove that he should get the pension and treatment. His medical history for that war shows that he enlisted at 15 years of age, giving his age as -18; was gassed in France; had severe dysentery for four months in Egypt, which recurred later in England; and was demobilised in 1919.

At that time, - he felt no ill effects, from his service. But six months later he had stomach trouble. He' did not consider it serious; like many people, he considered it a form of indigestion.

He went on in this. way for many years, not associating his stomach, trouble, "with his service. In 1942 he enlisted again. After two years he was discharged with acute stomach trouble. He was never given the diagnosis; he was merely told he was unfit.

Randwick Hospital would not treat, him because he had no Repatriation entitlement. He must claim entitlement to a pension before he can get a pension.

And so he claimed, and Repatriation, having heard what he had to say about his previous war service, told him they were considering his claim under the 1939-45 war only.

If he wanted to go back a war, and claim that his stomach trouble started there, he would have to make another claim! While argument continues as to which war is responsible for his illness, the ex-soldier is still awaiting treatment.

And in fact, the onus of proof has been put on the ex-soldier to show which war has been responsible.

Thus, Repatriation employs even wars to pass the buck, one to another.

Repatriation has the man's Army record, which gives his complete Army medical history in two wars. Ex-soldier has only his memory. But Repatriation refuses to investigate its records unless the ex-soldier makes a new claim.

Here we have an Australian who thought it his duty to serve his country twice. Finally, he is discharged with stomach trouble; and there can be little doubt that it was caused by his first service, and it is most probable that it was aggravated by his second service. Yet the present war authority denies liability and passes the buck to the past war authority — which is itself. It's the joke of the season.

William Smith will not pay his rent because he feels William Smith should pay it. On the other hand, William Smith is determined not to pay the rent because he feels that. William Smith is responsible. But the joke is still on the ex-serviceman". It is' the old Endurance Test, by which budgets are balanced at the expense of ex-soldiers.

Smith's Weekly (Sydney, NSW: 1919 - 1950), Saturday 29 September 1945, page 6

WHAT PROOF IS OFFERED - How Much Doubt?

By John Isackson

HOW does the "Onus of Proof" clause of the Repatriation Act work out in practice? Mr. Isackson, an authority, on Repatriation problems from within and without, tried to find out. In the course of his investigations, he lost his job as Pensions Advocate to the Legion of Ex-servicemen. He still didn't find out. He's still asking.

I HAVE often spoken of the difficulty I have had in understanding the interpretation put by Repatriation authorities on the clause, requiring them to give the benefit of any doubt to men claiming that their injuries happened on service.

A few days ago, I came upon a case which made me wonder whether this section of the Repatriation Act was being deliberately ignored or incompletely interpreted.

Before the case went to the Entitlement Tribunal, I had examined the medical history of the ex-serviceman who was appealing. Here it is:

Years before enlistment, the ex-serviceman had a minor operation on his stomach. Two Army Boards passed him in A1. After serving about two years, and while in Syria, he was reported wounded. He was taken to hospital suffering from bomb blast.

Three weeks later he was discharged from hospital. His sickness was diagnosed as adhesion. Six other times he was in and out of hospital.

He was finally discharged from the Army suffering, from neurasthenia and adhesions of the stomach.

Repatriation denied him treatment, ruling that his neurasthenia was constitutional, and the adhesions were from his pre-war condition.

Ex-serviceman appealed against this decision, and last week the War Pensions Entitlement Tribunal agreed with Repatriation that the man's condition was not due to, or aggravated by, his war service.

To reopen his case, the ex-soldier has to submit additional evidence. He has no right to appeal against the decision of the tribunal. Yet ' Repatriation Commission and Tribunals are required by the Act to get absolute proof that a claimant's condition is not due to war service before they reject his claim. Where there is any doubt, they are required to allow the claim.

Such proofs, or evidence of them, have never been offered, either to claimants or to the public; Could the Repatriation Commission, its Board of Doctors and the Tribunal prove that in this case this ex-serviceman's condition is not due to war service?

Where an ex-serviceman has obvious wounds, Repatriation authorities cannot deny them, and pays, in the case of lost limbs or lost eyes, etc, to a set schedule.

But where there is organic trouble causing illness; effects of bomb-blast disease contracted from service in unhealthy places, etc; where there is room for argument, in short, I must confess that the reason for the authorities judgments has not always been demonstrated to my satisfaction.

justice must not only be done, but it must be seen to be done." I should like to see that it has been done in this case. I should like to see what proof has been offered and accepted.
