

Former navy servicewoman who says she was raped twice wins veteran's pension

Woman who was discharged as a result of pregnancy had been told she did not serve long enough to qualify

[Lisa Martin @LMARTI](#)

Fri 16 Nov 2018 04.00 AEDT Last modified on Fri 16 Nov 2018 08.39 AEDT



A former navy servicewoman initially had her claim for a veteran's pension rejected.
Photograph: Joel Carrett/AAP

A former navy servicewoman who claims she was raped and then discharged from the military as a result of pregnancy has been awarded a veteran's pension and compensation after a two-year battle.

The woman joined the [Royal Australian Navy](#) after her 18th birthday in 1972. She worked as a steward at a New South Wales base.

She served 11 months in the military but her naval career was cut short after she was allegedly raped twice and became pregnant.

In 2016 she outlined her traumatic story to the Department of Veterans' Affairs when she applied for a military disability pension but it rejected her claim on the basis she had not served for long enough.

In late January 1973, she told the department, a senior colleague put his hand over her mouth and attacked her while she was on duty.

"I couldn't move, I couldn't scream, I couldn't do anything," the woman, who is now 64, told Guardian Australia.

She said her attacker had threatened her, saying: "You tell anyone and it's the last thing you'll do."

She said: "I knew no one would believe me."

She had told her roommate what happened and they both concluded it would be pointless to report the matter because it would not be taken seriously.

She said there was a "boys will be boys" culture at the base and recalled that male personnel would frequently come up behind her and grab her breasts and throw spiders on her while she was serving coffee.

"If you ever complained to the chief, he said: 'You're not on your mother's apron strings now. You're in the navy, grow up and act like it, they're just having a bit of fun.'"

The woman tried to keep a low profile and avoid her alleged attacker at work. But two months later, she claimed, he sexually abused her again.

"He was at the door, he walked over to me, pulled my legs out from under me and my head hit the floor," she said. "I tried to scream but nothing was happening."

He told her he could get her "anywhere and anytime".

When it was over he walked out laughing, she said, with a smirk on his face.

"I went to the bathroom to be sick," she said.

Last year the veterans' affairs department dismissed the woman's claim for a pension on the basis she had not served the minimum three years. Although there are exceptions for people who are discharged on medical grounds, the department said pregnancy did not count.

"You were discharged due to being confirmed 10 weeks pregnant, not because of invalidity or physical or mental incapacity to perform duties," the department's 25 May 2017 letter said. "You ... do not qualify as a member of the forces."

The woman's treating psychologist and psychiatrist both wrote to the department detailing their diagnosis of post-traumatic stress disorder and major depressive disorder.

“In my opinion, if not for her sexual assault ... and subsequent pregnancy, it is highly likely that (she) would have continued service in the navy and completed her four years of initial enlistment service,” her Brisbane psychiatrist wrote.

Her psychologist said she experienced intrusive flashbacks, memories, nightmares, difficulty concentrating and sleeping as well as exaggerated self-blame.

The department is already paying for the cost of her mental health treatment because all serving and former personnel are covered under non-liability healthcare provisions.

In a subsequent letter dated 10 October this year, the department said it rejected “initial liability” for her mental health conditions as part of a compensation claim.

“I have reviewed your defence records however I have been unable to locate any evidence to support your contention,” a department official wrote. “I have been unable to verify that your claimed condition arose in the course of your [Australian defence force] employment.”

The department escalated the case to a deputy commissioner for an urgent review after Guardian Australia began asking questions about the case this week.

On Thursday the department sent the former servicewoman a letter stating it accepted liability for her PTSD and major depressive disorder for a disability pension and would backdate payments. “I have therefore accepted post-traumatic stress disorder and major depressive disorder effective from 3 December 2016,” the letter says.

A second letter said the department accepted a liability claim for the woman’s mental health under defence compensation laws. “I am reasonably satisfied that these conditions are related to your service,” the letter says. “I have therefore accepted your claim for these conditions.”

The pension rate and compensation amounts are yet to be decided.

“I broke down, I couldn’t believe it,” she said. “I have been hitting my head against a brick wall for so long.”

The department said it was unable to comment publicly on the case owing to privacy considerations.

“The Australian government values the service of ex-servicemen and women,” a spokesman said.