



British Australian
Pensioner
Association Inc



NEWSLETTER Number 28

FOCUS ON EQUALITY

FROM THE PRESIDENT

As this issue was being compiled, news came from Canada that a long-serving fighter for pension justice had died after an illness lasting a few months. One of her great achievements a few years before her death was to expose the maladministration by the International Pension Centre, by which many people with pensions from public sector schemes were denied their rights.

The European Court of Human Rights has not yet heard our case. News of the Burden case came too late for inclusion in the last Newsletter and we are still sitting waiting for the court's decision before they can get on with our case (see details inside).

In October the International Consortium of British pensioners (ICBP) had a gathering of the leaders of the five associations in London. I was unable to go because of family commitments, but Vice President Peter Morris, who lives near London, was able to attend on behalf of BAPA. He has provided a short contribution giving the main achievements of this event. Perhaps the most significant was that the delegates met face to face for the first time.

Later this year there will be a meeting organized by the Canadian High Commission in London, and hopefully involving the High Commissioners of Australia and other Commonwealth countries. This meeting will not be shackled by the protocols that have prevented the matter of frozen pensions being discussed at CHOGM meetings, so might be able to attain some coordination between Commonwealth Governments.

Another event scheduled for September is a fringe event at the Labour party conference. ICBP will be represented by Peter Morris and John Markham from CABP. This will give an opportunity to raise awareness of our cause among grass roots members of the party, who are not bound by government's rules and whips.

Brian Havard continues in depth research, as do other members of the committee. See reports on specific subjects. We constantly lobby, hoping at the very least that we will break down any resistance to what we hope will be a favourable decision by the Court.

We monitor a service called "They Work for You" which reports on selected events in Parliament.

The web site provides the opportunity to comment on debates and parliamentary questions. Although the impact of the comments might be small, we must remember that every little blow helps.

Please do your best to keep your family and friends informed and put pressure on MPs.

We continue to receive queries by e-mail and telephone regarding British pensions. Subjects covered include:

- Qualification for British pension
- Voluntary Contributions
- Public Sector Pensions
- Category B (wife) pension

It is surprising how many people just do not know their rights. Or perhaps it is not surprising since the DWP makes very little effort to contact people. This is understandable if you have been away from Britain for many years and they do not have your current address. But they could easily produce a short leaflet to be issued with passports to alert people to the possibility that they have some entitlements

James Nelson President

Vale June Vickers Borsberry

June Vickers Borsberry—she was very conscious of the link to her birth family through her middle name which was her maternal Grandmother's maiden name. (juniveebie)

A doughty fighter for pension justice died at the ripe age of 83 on Saturday March 8th 2008.

When she retired at age 60, June discovered that if she emigrated to Canada to be with her son and grandchildren, her British state pension would be frozen. Not wanting to find herself gradually impoverished as the real value of her pension declined due to the ravages of inflation, June continued to live in England, and regularly commuted across the Atlantic to spend some time each year with her only remaining family. She finally joined her family 5 years ago.

She joined in the pension fight with great gusto and was for several years a valued member of the BAPA consultative committee.

As well as her state pension, June had a pension from the local authority for which she had worked as a probation officer. The Guaranteed Minimum Pension (GMP) component of this pension was also frozen, but research re-



vealed it should not have been. If she had known this years earlier she could have emigrated years earlier.

Eventually, after a tussle with the DWP, she won. They admitted that they had completely misunderstood the Treasury directive under which her GMP should

have been indexed after she emigrated.

Thus by a combination of the immoral freezing regime and an arrogant state pensions department, she lost the best years of her life as a Grandmother.

She was a very remarkable person, with an acute intelligence, a combined determination and ability to delve into the depths of obscure problems, a masterful command of English prose; her documents were a joy of clarity and precision.

Though only some of us had met her, and that all too rarely, we had developed a great affection for her. We will miss her very much.

June is survived by one son and his children and grandchildren.

**Brian Havard and
James Nelson**

GRADUATED RETIREMENT BENEFIT

In addition to tackling the DWP regarding the SERP I have taken them to task over the almost 'forgotten' smaller pension known as the Graduated Retirement Benefit. Although small by comparison it nevertheless ran for a total of 14 years and produces a pension nowadays of between 7 and 10 pounds a week dependent on whether you are male or female. Most of us if we were employees will have paid into it, and although relatively small it does help boost the coffers a bit.

Trouble is, it too, like the SERP, is frozen from the day you leave the UK and like the SERP nobody told us that it would follow the same

frozen route. This is until now. Paul Lapraik, a high ranking DWP Officer recently, acting on a FOI request, sent me the original guidelines to the pension issued when the Graduated was first raised for discussion in 1961. It deals clearly with just about everything you need to know concerning the GRB. Well, nearly everything. It forgot to mention that it would be frozen in the event we retired to a "frozen country". Seems to be a bit of a habit this forgetful mood by the DWP. I have taken it up with Cliff Newman a more senior Officer suggesting that as it affected 1000's and 1000's of pensioners it was a

bit of a boo-boo to have missed adding it! We are at present corresponding. I will put it on our website as soon as I have a reply. The situation with the SERP remains as my report in BAPA's last Newsletter. Although compelling evidence has been provided to the DWP that proves we were never informed they have so far evaded answering, using every possible delaying reason for failing to do so. But the noose is slowly tightening and soon there will be no corner for them to hide in. Any further news and you will be the first to know!

Derrick Prance

BURDEN AND BURDEN

Oh dear, what can the matter be? Two old maids who things could better be.

What do two elderly spinsters have to do with frozen pensions? The misses Burden are unmarried sisters who have always lived together, firstly with their parents then in the family home after the parents died. They have a case before the ECHR, and because their case was lodged before ours it will be

heard before ours. Their claim relates to discrimination under the laws relating to Inheritance Tax. They are being discriminated against because they are *not* lesbian, or rather because they are prohibited from registering a civil union. If they were not siblings they could register a civil union and get the same concessions on Inheritance Tax as married couples. They would not have to be practising lesbians. This is one of the odd out-

comes of the push for civil liberties by gay and lesbian couples. The case turns on the question of whether the Government can argue economic reasons for continuing to discriminate in this way. And that is where the parallel with the frozen pension case lies.

So we have to wait a bit longer, and in the meantime pursue our other ways of fighting the cause.

AGE CONCERN ENGLAND

As reported elsewhere, Age Concern England (ACE) have submitted a document supporting our case before the European Court of Human Rights. As this is an "intervention" permitted by the Court it carries some weight. We have a complete copy of the intervention, but for legal confidentiality reasons we are not allowed to publish it. However, here is the first paragraph, which outlines ACE's credentials in its own words.

Age Concern is the largest charitable movement working with and for older people in the UK. Age Concern has been working for over 60 years to

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promote the well-being of older people worldwide. Age Concern England is the national body in the Age Concern federation. Age Concern England has worked with and for older

British Nationals who have retired abroad for over fifteen years beginning an intensive programme of work with broader reach at the start of 2007.

We have been in touch with ACE for several years. The previous Director General of Age Concern was Sally Greengross, who is now a Life Peer. She has always strongly supported our cause. She raised a motion in the House of Lords giving some publicity to the frozen pension issue.

LONDON VISIT

Achievements from London visit in October 2007

Met Tim Otty and Ben Olbourne and heard essentially all of the legal arguments. Discovered that there may be some positives arising out of the predecessor case, Burden, whether it wins or falls. Saw some (but not all) of the members of the W&P Select Committee and identified strong supporters—Lib Dems Jenny Willott and Greg Mulholland. Saw Conservative Shadow pensions team and found lukewarm support which they said would be greater if cost could be reduced (doubtful anyway).

Saw Secretary General of the Labour Party and found support over the inequality of frozen pensions. Unfortunately he later resigned in disgrace over the undeclared donations row. His interim replacement has been contacted and seems to be supportive, albeit belatedly. Saw Age Concern and obtained support in the form of a commitment to try to send a positive intervention to the Carson Case at the ECHR. This was achieved in January 2008. Saw Pensions Minister, Mike

O'Brien, who appeared to offer his personal support but was unable to do so in this official capacity. Renewed contacts with the National Pensioners Convention.

Overall, I think the visit did have the achievement of showing a lot of people in politics that the frozen pension issue is not going to go away, that people who are affected can come face to face with the law makers and that they will have to face them in person.

Peter Morris

UK /AUSTRALIAN RECIPROCAL AGREEMENT

Further to my article in our previous newsletter, as a result of our campaign, Mal Brough MP, the Minister for Families, Community Services and Indigenous Affairs wrote to the Right Honorable Peter Hain, Secretary of State for Works and Pensions and in consequence he received a reply indicating that "it is for the UK Government to prioritise its spending and in doing so it inevitably takes account of the surplus in the National Insurance Fund", so despite the huge surplus of 42 billion sterling in the NIF, the intransigence of the UK Government to pay us our pension entitlement is indeed very frustrating which has prompted me to renew our campaign with the new Labour Government. During my entreaties with the pre-election Senators, all of those in Opposition declared that should their party win the election they "believed that a solution can be

found and assured me that a new agreement with the UK would be a priority for the next Labour Government" These factors led me to believe there is an initiative within the Labour party to actively pursue the indexation issue irrespective of the negative reply from Peter Hain.

I have therefore made the new DFACS Minister Jennifer Macklin aware of our previous campaign and the promises made by the Labour party when in Opposition, and in this regard I have now received a reply from Jennifer Macklin stating "that it is the

priority of the
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Government to seek a new agreement to include indexation and they are now currently considering the most appropriate action

to address this issue and that the matter will be raised with the UK Government at the earliest opportunity", which may lead to both parties reaching a satisfactory conclusion to this long drawn out saga of the intolerable, unfair and discriminatory practice of selective indexation. In 2001 Senator Jocelyn Newman with the best of intentions terminated the UK/Australian Agreement due to the refusal of the UK government to index the UK pension. The termination was intended to act as a catalyst for the formation of a new agreement but as we know that never eventuated and of course apart from the indexation issue, the termination resulted in recent immigrants from the UK being deprived access to the Australian age pension under the ten years residency rule.

Jack Stoner, Hon Secretary

MONITORING PARLIAMENT

This is an excellent service run by a charitable organization called They Work for You. You can log on to their site at <http://www.theyworkforyou.com/> To join you need to supply some details, including email address and a password. You can then select the name of an MP or a word or phrase to search for.

The service will send you regular emails while parliament is in session, with links to their web page and further links to Hansard.

Then if you find something of general interest and use for the frozen pensioner community, send it to contactus@britishpensions.org.au

PETITION

The e-petition that was started by Peter Morris is now past its expiry date. You can still see it on <http://petitions.pm.gov.uk/unfreezepensions/> It attracted over 7,000 signatures. Everyone who signed eventually received an email from no 10 with the usual response.

We do not expect that the government will change its mind as a result of the petition, but it is a good way of keeping the matter before the public. Now someone has started a new petition, and we recommend that you sign it.

Please sign the new e-petition.

<http://petitions.pm.gov.uk/Pensionless/>

The routine is the same as the previous one. You fill in your name and your address and email. As you do not live in the UK, leave the postcode box blank and select the drop down box located just below the address box. Identify yourself as an expatriate. The e-petition site will send you an email. You must then reply to the link to confirm that you wish to be listed as a signatory.

You can only use your email address once, but you can include two names on the signature line.

WHY PARITY?

We were asked recently why we insist on being granted parity in pensions rather than accepting annual indexation from the present level of pensions. "Would not the Government be more willing to grant annual indexation rather than the full cost of parity?"

Well firstly, the answer to that question is "No". Various sug-

gestions for gradual lifting of the freezing regime have been made over the years. The government rejected the lot. And this covers governments of both colours.

Granting annual indexation from the present level would benefit recent "freezees" more than those who have suffered the effects of freezing longest. A person who has a pension of 87 sterling would get an increase of 3 sterling. A person with a 100% basic pension

frozen for many years at 10 sterling would get an increase of 39 pence. Those who have suffered the longest would benefit the least.

The litigants in the European Court of Human Rights are asking for parity. They have indicated that they will not ask for back pay, though in strict justice they should get it. So why should they compromise further by accepting a pittance in compensation for the years they have laboured?

COMMUNITY CABINET MEETING

The "Community Cabinet Meetings" introduced by the new Australian Prime Minister, Kevin Rudd, have made it possible for the general public and lobbying groups to approach members of the federal cabinet. At the first two such meetings, in Perth and Brisbane, BERIA (British Expat Retirees in Australia) was able to raise and follow up the issues and insecurities surrounding the 410 visa.

In Brisbane a group from BERIA had a 20 minute meeting with Chris Evans, the Minister for Immigration, and were heartened by his remarks that "no-one who is a resident of Australia should be denied the opportunity of becoming an Australian citizen", and that he wanted there to be "a pathway to citizenship" for 410 visa holders. He said that the

main barrier to permanent residence is the potential cost of social services and healthcare.

410 visa holders have made available to Australia additional capital of \$1.02 billion, and the Government would gain an extra \$40million a year in additional taxation if we were granted permanent residence. We have brought other considerable benefits to the country through paid and voluntary work skills in the community, and through the help and support we give our families here.

The group emphasized the anomaly that 410 visa holders are almost impossible to categorise — we are variously "residents",

"foreigners", "visitors" or "not visitors" to different Government Departments and Agencies. We came to Australia to retire, and simply want to spend the rest of our lives here without the insecurity of temporary residence, but will continue to be "aliens in limbo" until we are granted the security of permanent residence.

In the light of the perceived increased sympathy and compassion demonstrated by the new Government towards the 410 retirement visa, BERIA will optimistically maintain its lobbying momentum and develop a reasoned and robust financial case for permanent residence.

This is an extract of an article provided by

John Wittering

TREASURERS REPORT

Thank you to all who contributed to our cause this year.

We have placed in reserve a figure of approx 12,000 dollars (5 thousand pounds) to help with the ECHR case. More money will be needed in the future for this case but we have not committed any of this yet.

Our Balance B/F from year 2006/7 (Audited) was	\$ 57,830.88
<u>Income year to 29th Feb 2008</u>	
Contributions & Interest were	\$11,276.74
<u>Less Expenditure</u>	
Australia Post and Newsletter	\$ 2,518.85
London Expenses	\$ 1,117.35
Misc.	\$ 161.84
Balance Carried Forward	\$65,309.58

MY WORD!

You have their word for it.....

If UK Government Ministers were to implement the promises they have made, our pensions would not be frozen. Here are just some of them:

Ian McCartney wrote to me from the Opposition 23 June 1993 "Labour's policy is to ensure equality of treatment to all British pensioners who live abroad in countries outside the European Community". He became Pensions Minister and later Labour Party Chairman. He had the power to implement his undertaking. What did he do? **Nothing.**

Alistair Darling in a letter to me also from Opposition 8 September 1994 wrote "There are also a range of bilateral agreements with other countries which protect the position of pensioners there. I believe the Government should give priority to extending such arrangements wherever possible". He became Social Security Secretary and is now Chancellor of the Exchequer. And what has he done?

Nothing.

Peter Hain had already signed five EDMs in our support before he became Work & Pensions Secretary. During his brief tenure in office he said of the state pension "It is the duty of every Government to keep the contract between the state and the individual under constant review to ensure the balance be-

between rights and responsibilities is properly maintained". What did he do to review our rights to the full pension we had paid for? **Nothing .**

Mike O'Brien, the present Pensions Minister had as a backbencher also signed five EDMs supporting our cause. In the recent pensions debate he said "Our shared aim should be to ensure that pension promises are kept and pensioners are secure in retirement....." But he has now adopted a purely legalistic posture, insisting "the state pensions of people living abroad will be uprated where there is a legal requirement, as is the case where pensioners are living within the European Economic Area, or where there is a reciprocal agreement in place which allows for uprating". This is despite the Ombudsman's observation that "Our exchanges with government departments on some recent cases suggests to me that there is a growing obsession these days with legal liability, when they might more usefully be concerned about the reliability of the service being provided to the citizen and the quality of the administration that underpins it" So what is Mike O'Brien doing to implement his beliefs. **Nothing**

Jack Straw when he as Home

Secretary was launching the Human Rights Act gave the most important assurance of them all when he said "...under the Human rights Act, **everyone gets the same set of basic guarantees from our public services, whoever we are and wherever we live.**" Of course it has not happened for us frozen pensioners. Jack Straw is now Minister for Justice and has responsibility for how HRA is being implemented, but his officials are refusing to carry out his predecessor's promise, that his department would drive through observance of HRA in all departments, including Work & Pensions.

I and one or two others have repeatedly called on these Ministers to practise what they preach, but it needs an avalanche of letters or emails from frozen pensioners to make them take notice. An alternative is to contact Dr Ros Altmann (ros@rosaltmann.com), a doughty campaigner for women's rights who also played a major role in securing multi-billions of taxpayers money for the 125,000 victims of failed company pension schemes. Yet she has never taken up our cause. She might be responsive to massive mailings, especially from women.

Brian Havard

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