



Australian Government
Department of Veterans' Affairs

Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) Bill 2024

**DVA Supplementary Submission to
the Senate Foreign Affairs, Defence
and Trade Legislation Committee
Inquiry - September 2024**

Contents

Contents	1
1. Introduction	2
2. Submission Themes	3
Theme 1: Financial Implications	3
Theme 2: Who benefits from the Bill	3
Theme 3: Grandparenting arrangements	5
Theme 4: Definition of a veteran	6
Theme 5: Replace the term 'wholly dependent partner'	6
Theme 6: Automatic grants of compensation for widow(er)s	7
Theme 7: The existing two standards of proof	8
Theme 8: Presumptive Liability	8
Theme 9: Gold Cards for DRCA veterans and widow(er)s	9
Theme 10: Lump sum payments and vulnerable veterans	10
Theme 11: Compensation offsetting	10
3. Other issues raised	12
4. Conclusion	13

1. Introduction

The Department of Veterans' Affairs (DVA) thanks the Senate Committee for the opportunity to appear at the initial hearing of the Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) Bill 2024 (the VETS Bill) on Friday, 16 August 2024. This follow-up submission contains information on specific issues raised in submissions since 31 July 2024 and during the hearing.

2. Submission Themes

Theme 1: Financial Implications

Issues Raised

During the initial public hearing, concerns were raised by the TPI Federation that funding for the revised compensation model had only been allocated for a two-year period and not across the full (four-year) forward estimates period.

DVA response

The Government's figure of \$222 million over a two-year period reflects that there are only two financial years remaining in the current forward estimates. Beyond that period, increased funding would continue via existing (uncapped) special appropriation arrangements. All monies provided under special appropriation are solely for the benefit of veterans and families for the provision of compensation and support services under the revised compensation model.

Theme 2: Who benefits from the Bill

Issues Raised

The Australian Peacekeeper and Peacemaker Veterans' Association (APPVA) and the TPI Federation contend that the outcomes of the VETS Bill only benefit DVA and will not improve the situation for veterans and families. This contention was also raised at the Public Hearing. The Senate Committee heard that the VETS Bill is very long and complicated, and conflicts with the primary purpose of the reforms to simplify the veterans' legislative framework.

DVA response

The primary consideration in the development of the VETS Bill was to address recommendation 1 from the Royal Commission into Defence and Veteran Suicide interim report, which was to simplify and harmonise the current (tri-Act) model of compensation and support for veterans and their families. The Royal Commission classified this recommendation as urgent and immediate, urging the Government to progress legislative reforms without delay to reduce mental health impacts and suicide risk.

The VETS Bill would achieve these aims by introducing a system built around a single Act of legislation (the *Military Rehabilitation and Compensation Act 2004* (MRCA)) for all new claims from 1 July 2026. At a broad level, this would result in a system that is easier for veterans to navigate and ensure consistent outcomes across the veteran community. Whilst the system would also be easier for DVA to administer, this was not the primary aim of the model. The benefits of improved administration would flow to veterans and families in the form of quicker, more-straightforward and more-consistent claim outcomes, and would ensure that benefits and support services are commenced sooner.

DVA notes that the VETS Bill and the Explanatory Memorandum are both lengthy and technical in nature as they address complexities in the veterans' legislation framework that have evolved over a century. Importantly, the MRCA would not be a standalone piece of legislation under the proposal – essential links with other legislation, including the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (DRCA) and the *Veterans' Entitlements Act 1986* (VEA) would remain in place. Accordingly, the Bill and the explanatory documents include necessary changes to these other Acts.

The VETS Bill would also carry across key provisions from the DRCA and the VEA into the MRCA to ensure continued operation of the Repatriation Commission, the Repatriation Medical Authority, the Specialist Medical Review Council and the Veterans' Review Board (VRB).

Adding to the length of the VETS Bill are enhancements under the MRCA such as the new Additional Disablement Amount (ADA) payment, increased VEA funeral benefits, amended travel provisions and new presumptive liability provisions. The VETS Bill also contains changes which ensure all veterans have access to the VRB for new decisions made.

Additionally, transitional provisions are included to bridge the differences between the current three-Act framework and the revised model.

While each of these changes add length and complexity to the VETS Bill – the outcome is a single, simplified, consolidated Act governing veterans' compensation and rehabilitation.

DVA has provided marked-up versions of the Acts on the DVA website¹ to indicate areas of change within each of the Acts. These mark-ups may be more accessible to readers than the VETS Bill itself, particularly the MRCA mark-up which represents the single-ongoing Act.

If the VETS Bill is passed, all veterans from every era of service – be they Reservists, Peacekeepers, war veterans, or full-time serving members – would have access to compensation benefits under a single Act for the first time.

The end-to-end claims experience for veterans and families would be greatly simplified and result in less frustration than the current model, with veterans only needing to lodge claims (and be assessed) under the MRCA. With the introduction of new presumptive liability provisions, medical assessments would also be simplified by removing the need to establish a causal connection with service for many conditions. Bereaved families of deceased veterans will also have access to the same package of benefits where eligibility is established. A separate liability provision would also allow for conditions which occur on a 'temporal' basis (such as heart attacks and strokes) while members are on duty, without the need to establish a causal connection to service via the Statements of Principles.

A simplified and harmonised system would also benefit ex-service organisations that provide claims advocacy. The current complex system has been a barrier for new advocates entering this line of work and assisting veterans and families. Their support services would be simplified by allowing organisations to focus on a single Act for training, education and advice purposes. Furthermore, the VETS Bill would deliver beneficial outcomes that have been important to these organisations, including better equity of entitlements, greater access to Gold Cards and more efficient claims processes.

At the initial hearing on 16 August, the Senate Committee queried whether there was evidence that the VETS Bill would improve the time taken to process (TTTP) compensation claims. In responses at the hearing, DVA representatives noted that modelling was not specific to time taken to process claims under the new scheme, which is more a product of the number of claims on hand and the availability of staff to process them. The Department also stated that anticipating time taken to process under the new system would be complex because current and historical timeframes are marked by the processing inefficiencies which exist under the current model.

In terms of processing efficiencies to be gained by changes in the Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) Bill 2024 (VETS Bill), DVA anticipates that claims processes will be streamlined through new claims only having to be administered under a single Act from 1 July 2026, removing much of the complexity that exists in the current system. Also, changes proposed in Schedule 2, Part 3 of the VETS Bill would allow the Repatriation Commission to specify, via legislative instrument, that claims for certain injuries and diseases can be accepted by DVA on a

¹ <https://www.dva.gov.au/about/royal-commission/veterans-legislation-reform/bill-what-it-and-what-it-will-do/draft-legislation-and-explanatory-documents>

presumptive (i.e. automatic) basis without otherwise needing to engage with the Statements of Principles system. This would reduce the investigation required prior to determining such claims. Further conditions could also be added or changed as appropriate.

The Department maintains that efficiencies in the claims assessments system would be achieved through the removal of long-standing and obvious complexities associated with multi-Act eligibility, such as compensation offsetting and differing eligibility/assessment criteria.

Theme 3: Grandparenting arrangements

Issues Raised

Some submissions cited concerns around the grandparenting provisions of the VETS Bill. The TPI Federation sought confirmation that the old Acts could still be amended under the proposed changes to resolve any future issues identified, including increases to grandparented payments such as the Special Rate of Disability Compensation Payment (known as 'TPI') and VEA funeral benefits. Legacy Australia indicated that the legislation should include a clause to prevent less-beneficial outcomes for veterans and families and spoke about this during the Public Hearing. The Defence Force Welfare Association (DFWA) poses that veterans should continue to have the option to claim under the DRCA and the VEA after commencement of the new system.

DVA response

An important feature of the VETS Bill is to ensure no veteran or dependant experiences a reduction in their current payments or previous payments when transitioning to the new scheme. This will be done by grandparenting their existing (or past) payments into the future, for as long as they remain eligible, and continuing to apply indexation as usual. These grandparenting provisions ensure beneficiaries do not have their payments reduced simply because a new system is implemented.

Grandparenting does not mean veterans are quarantined under the old Act(s). Only their existing payments will continue to be paid under those Acts, with the exception of incapacity payments. Veterans who experience a worsening of their conditions or a change in their circumstances (e.g. becoming incapacitated for work) will still have access to benefits under the MRCA.

DVA notes the input from the DFWA that veterans should maintain the right to claim under the DRCA/VEA after commencement, and the Productivity Commission's stance that a two-scheme model is preferable to a single scheme with grandparenting provisions. DVA does not agree with these positions and is firmly of the view that the changes in the VETS Bill more comprehensively address the recommendations from the Royal Commission aimed at simplifying veterans' legislation.

Subsection 7(1) of the *Australian Veterans' Recognition (Putting Veterans and Their Families First) Act 2019* (Veterans' Recognition Act), which commenced on 31 October 2019, represents a commitment to the veteran community that all legislation governing veterans' compensation will be interpreted and applied by DVA with a 'beneficial' intent. In practice, this means that where a provision in any of DVA's Acts and/or instruments under these Acts can be interpreted in a manner which benefits the veteran (or family), it should be so interpreted. A copy of subsection 7(1) is as follows:

- (1) *The Commonwealth is committed to decision-makers interpreting a provision of the following legislation in a way that benefits veterans, or their families, where that interpretation is consistent with the purpose of that provision:*
- (a) *the Veterans' Entitlements Act 1986;*
 - (b) *the Military Rehabilitation and Compensation Act 2004 (the MRC Act);*

- (c) *the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988;*
- (d) *instruments under those Acts.*

To counter any concern that unforeseen transitional issues may result in less-beneficial outcomes for veterans, the Bill also introduces safeguards to ensure any unique and unforeseen circumstances can be managed by way of special assistance provisions. Currently, the special assistance provision in section 424 of the MRCA is very restrictive because it explicitly excludes anyone who is (or would be) entitled to compensation or benefits under the MRCA or VEA. The VETS Bill would modify section 424 to remove this exclusion and open the possibility of special assistance to any veteran or dependant, should it be needed. The intent is to afford the Repatriation Commission the necessary flexibility to grant reasonable benefits to a person, including in unforeseen circumstances upon the transition to the single ongoing Act, where they fall outside the ambit of the liability and compensation provisions under that model.

Theme 4: Definition of a veteran

Issues Raised

Defining the term 'veteran' was one of the themes of the Inquiry Submissions and of the Exposure Draft Consultation period between 28 February and 28 April 2024. There were differing views expressed on the definition of a veteran and who should be able to access veterans' entitlements. The Naval Association of Australia, in their submission to the Inquiry, contends that the definition of a veteran contained in the VEA should be used in MRCA. Similarly, the Returned and Services League of Australia (RSL Australia) contends that specific words used in the legislation must necessarily be defined within the legislation itself to ensure specific meaning under law can be widely understood. RSL Australia and the DFWA submit that the VETS Bill should draw on the current definition of a veteran which is found in the Veterans' Recognition Act at Section 4. The APPVA also supports a definition of veteran. The Vietnam Veterans Association contends that the definition of a veteran should be limited to those with operational service.

DVA response

In response to feedback received during recent consultation, the VETS Bill was amended prior to its introduction to Parliament to insert additional detail into the simplified outline of the MRCA. The changes incorporate the concept of a 'veteran' as a 'member or former member of the Defence Force'. This approach was adopted to avoid concerns that including a definition of veteran into the MRCA might create interpretive uncertainty given the definition would have no legal effect under the Act. Similarly, limitation of the term 'veteran' to those who have rendered operational service would create additional uncertainty and ambiguity under the Act, noting that the retention of the 'service differential' will maintain some distinctions between operational-type service and peacetime service.

Theme 5: Replace the term 'wholly dependent partner'

Issues Raised

This issue was raised in submissions by the Families of Veterans Guild, Australian War Widows Inc, the DFWA, RSL Australia and the Veteran Family Advocate Commissioner (VFAC). The VFAC proposes an option to replace wholly dependent partner (WDP) with 'bereaved family member'.

The Families of Veterans Guild requests adjustments to certain terms used in the MRCA, and their definitions to be included in the Bill, including 'wholly dependent partner', 'dependants' and 'attendants'. The Guild also requests that a broad definition of family is inserted into the MRCA.

DVA response

Adequacy of the term 'wholly dependent partner' (WDP) which is used in the MRCA is an ongoing issue which is neither specific to, nor been created by, the VETS Bill itself. Language relating to families is not prominent in the Bill as these terms are already defined in the MRCA. For example, 'child', 'dependant', 'eligible young person', 'parent', 'partner', 'related person', 'stepchild' and 'stepparent' are already referenced in the MRCA at section 5 or section 15.

DVA notes there is no consistent view in the veteran community as to the preferred language associated with the 'wholly dependent partner' entitlement. In the submission lodged by Australian War Widows, the terms 'widow' and 'widower' are preferred over the more contemporary WDP.

Work is underway with the Veteran Family Advocate Commissioner and relevant stakeholders to resolve this matter and any changes will be subject to Government agreement. The term 'bereaved family member' may not be specific enough for the purposes of the Act, as different benefits apply to different types of family members (e.g. surviving partner as distinct to dependent children).

DVA would like to clarify a matter that was raised during the Public Hearing. The term 'attendant' in the veteran context is not used as a synonym for partner but has other meanings. Neither DVA nor the legislation refer to partners as attendants. The term is used to describe a person who is accompanying a veteran on a journey to seek medical treatment. More commonly, the term 'attendant' is used to describe a paid support worker who assists a person with the personal care needs (e.g. hygiene, feeding, etc). Attendants are referred to under the Attendant Care provisions of the MRCA and DRCA, and the Attendant Allowance provisions of the VEA. It is important to note that attendants are paid employees/contractors and in that sense, they differ to partner carers.

Theme 6: Automatic grants of compensation for widow(er)s

Issues Raised

There were concerns raised during the Public Hearing and in the submission by the TPI Federation that automatic grants of War Widow(er)'s pension and Gold Cards under the VEA may cease. The submission by Mr John Miklavcic contends that there is no provision in the MRCA allowing automatic granting of death compensation and that a provision should be made that for all war veterans who were receiving TPI under the VEA or Special Rate Disability Pension (SRDP) under the MRCA, the spouse should be granted a Gold Card on the veteran's passing, with the option of a war widow's pension or to make a claim for compensation.

DVA response

Automatic grants of War Widow(er)'s pension and Gold Cards to dependants of certain deceased grandparented VEA veterans will continue under the VETS Bill (including veterans who were receiving TPI or Extreme Disablement Adjustment pensions). These VEA provisions have been moved to the MRCA to ensure they remain in close connection with other compensation provisions relating to claims in respect of a death of a veteran. Where the veteran's death was caused by a service-related condition, the partner may lodge a claim under the MRCA which would provide them with an additional lump-sum compensation payment.

Additionally, under the MRCA, some dependants can receive death compensation (including Gold Cards) without the Department needing to investigate that the veteran's death was service related. This applies to cases where the veteran was:

- SRDP eligible or

- assessed at 80 or more impairment points.

After passage of the VETS Bill, this streamlined access to death compensation will also apply in cases where the veteran had been eligible for the new ADA benefit.

Theme 7: The existing two standards of proof

Issues Raised

DVA notes that the 'service differential' is an ongoing and contentious issue within the veteran community. This can either refer to the different standards of proof for claims (balance of probabilities vs reasonable hypothesis), or the different rates of compensation paid to veterans under the MRCA (depending on whether their condition/s were caused by peacetime or non-warlike/warlike service).

Slater and Gordon Lawyers contend that only one standard of proof should apply, even if this is the higher (i.e. less-beneficial) standard – the balance of probabilities. The Naval Association of Australia also contends that any service differential should be deleted from the draft legislation – and that the current system was designed to show that operational service is of greater value than non-operational service and is therefore discriminatory.

DVA response

The use of different standards of proof reflects that evidence can be more difficult to obtain in the context of service in operational areas. It also reflects the view of successive Governments that operational service is 'unique' in nature when compared to peacetime service. The MRCA has always provided compensation for conditions attributable to all types of ADF service and retains the 'service differential' to recognise the circumstances of service on operations and the unquantifiable effects of combat.

This is a contentious issue amongst the veteran community and no consensus has been reached about whether it is appropriate to retain a service differential within the compensation system.

Theme 8: Presumptive Liability

Issues Raised

The new 'presumptive liability' provisions were raised during the hearing and in several submissions. RSL Australia requests assurance that presumptive liability policies will be evidence based and transparent, while the DFWA requests a review mechanism be inserted. The Families of Veterans Guild and the VFAC would like presumptive liability expanded to outcomes of treatment provided by the Commonwealth.

DVA response

The provisions would facilitate consistent and streamlined claims processing by allowing the consolidated Repatriation Commission to make an instrument specifying the injuries or diseases that may be accepted on a presumptive basis. The intention of this change is to provide a legislative basis under the single ongoing Act for existing administrative MRCA arrangements and legislated DRCA provisions that already allow liability to be accepted using a presumption. Veterans would benefit from easier and faster claims determinations, and the Commission's requests for information to veterans and their medical providers would be fewer and easier to fulfil.

The new presumptive liability provisions would ensure the Commission's ability to make presumptions where a condition is already known to have causal links with ADF service is clear in legislation. The

initial instrument will focus on existing decision-ready conditions, whilst retaining other categories for ADF Firefighters, F-111 Deseal/Reseal participants and conditions already prescribed by instruments in force under subsection 7(1) of the DRCA.

Theme 9: Gold Cards for DRCA veterans and widow(er)s

Issues Raised

Easier access to treatment Gold Cards for DRCA-eligible veterans and widows was a major theme of the submissions to the Inquiry and was mentioned at the Public Hearing. RSL Australia, Mr Michael Carlon, the anonymous submitter, the DFWA and the RAAC all contend that Gold Cards should be provided to DRCA veterans who meet the impairment requirements, regardless of whether they have any additional conditions or impairment accepted under the single ongoing Act.

The submission by Legacy Australia Inc states that Gold Cards should be retrospectively extended to DRCA widows whose partners' deaths have been previously accepted as service related. The Families of Veterans Guild and the Veteran Family Advocate Commissioner request expanded access to the Gold Card for eligible young people. However, the Productivity Commission has stated their organisation's disappointment that access to Gold Cards has been extended further – to those who, prior to implementation, would only have DRCA service and hence no Gold Card eligibility.

DVA response

The VETS Bill will provide an equitable pathway to Gold Card eligibility for highly impaired veterans, regardless of service type or dates. Lack of Gold Card eligibility for DRCA veterans was one of the strongest and most represented themes during consultation with the veteran community. This Bill will give DRCA veterans, including National Servicemen, access to Gold Cards if they meet the relevant impairment thresholds.

The Bill stipulates that DRCA veterans must have a five-point worsening of their overall impairment level, or a new condition must be accepted after commencement to be assessed for a Gold Card under the MRCA. This requirement ensures that veterans are not unfairly receiving additional compensation for conditions that have already been compensated under the DRCA. The issue arises due to the existing compensation systems have differing approaches regarding specific entitlements. For example, permanent impairment compensation under the DRCA is assessed and compensated on a condition-by-condition basis, meaning a veteran can technically be paid compensation at a rate which exceeds 100% impairment. This cannot occur under the MRCA, where impairments from conditions are combined and compensated on a 'whole-of-person' basis.

DVA notes that several submissions disagree that DRCA veterans should have to meet any additional threshold for a Gold Card once any new arrangements commence. It is likely that veterans who are impacted by these provisions may reach the relevant threshold levels under the MRCA at some point in the future irrespective. In any event, to retrospectively provide gold cards to all veterans covered by the DRCA, and otherwise meeting the requirements under the MRCA, would require a manual re-assessment of likely more than a thousand claims of DRCA veterans in the first year which would be inconsistent with the approach to reform under the VETS Bill being based on date of claim, with movement to MRCA coverage from the VEA or DRCA to be where there is a new claim (or material exacerbation of an existing condition) after commencement, with existing benefits pre-commencement grandfathered.

The VETS Bill also prescribes Gold Cards to the widow(er)s of DRCA veterans and 'eligible young persons' in cases where a veteran's death is related to service after 1 July 2026, thereby harmonising

benefits for all bereaved families from the commencement date. The Bill does not allow for the provision of Gold Cards to partners who have previously been compensated under the DRCA system. The Bill would commence from 1 July 2026 and additional benefits should not be provided retrospectively for claims that have already been resolved.

Theme 10: Lump sum payments and vulnerable veterans

Issues Raised

During the Exposure Draft consultation period, the RSL Australia raised concerns that the MRCA compensation system which allows large lump sums is detrimental to veterans who have certain psychiatric or addictive conditions and have raised this in their submission. The TPI Federation proposes that a psychological profile is required before lump sum payments are made to veterans.

The policy settings around the issue of trusteeship and decision-making support was a regular theme. In their submission, the RSL highlighted “its concern about the known negative health implications for some veterans with a diagnosed addictive condition (or other severe mental health condition) when they receive a large lump sum Permanent Impairment compensation payment.” DVA is currently reviewing and developing policy in relation to trusteeships and at-risk clients.

DVA Response

Prior to its introduction, the VETS Bill was amended to include an instrument-making power that will allow the Repatriation Commission to specify circumstances and the classes of persons who are required to obtain financial or legal advice before compensation or other benefits are paid under the MRCA. This new power has been included to address concerns raised in public consultation on the Exposure Draft bill that the Government should consider additional safeguards to assist with long-term financial security of members and former members being paid significant lump sums. Furthermore, the trustee provisions from the VEA have been replicated in the proposed enhanced MRCA.

Theme 11: Compensation offsetting

Issues Raised

‘Compensation offsetting’ was raised during the Public Hearing and has been an ongoing concern for the veteran community. An ongoing criticism of offsetting, further highlighted during recent public consultation, is offsetting the full amount of Disability Compensation Payment (DCP) awarded under the VEA (made up of both economic loss and non-economic loss components) by incapacity payments (compensation for economic loss). Meanwhile, the Productivity Commission contends that the VETS Bill will maintain the need for complex compensation offsetting arrangements.

Mr Barry Aldcroft lodged a submission to the Inquiry and his case was also raised during the Public Hearing. Mr Aldcroft contends that veterans end up ‘paying back’ more under the VEA (as compensation offsetting) than they received in compensation from the second source. It is Mr Aldcroft’s view that over his lifetime he will have ‘paid back’ more to DVA than he received from his civilian incident in the first place.

The TPI Federation contends that the VETS Bill should be amended to remove superannuation offsetting against all DVA compensation payments or, at a minimum, to remove it from all SRDP and ADA calculations. The rationale is that the ‘economic loss’ components of these payments are below the tax-adjusted minimum wage, so offsetting these payments means veterans are receiving income at less than the minimum wage.

DVA response

It is a misconception that offsetting represents the 'paying back' of an individual's compensation. Compensation offsetting is the process of reducing one compensation payment in recognition of another compensation payment for the same incapacity or death. This includes compensation received via third-party and/or common law actions. The principle behind offsetting is to ensure that a person with eligibility under multiple Acts is not compensated more than a person in similar circumstances but who is only able to claim from one source.

The VETS Bill would see the future need to 'offset' payments received under different Acts eliminated, except in cases where existing payments are maintained under 'grandparenting' arrangements. Further, veterans with existing impairments under the DRCA or the VEA will be able to receive additional compensation for any worsening of their conditions under the MRCA without the need to reduce their existing entitlements.

Veterans who are granted DCP will continue to be eligible for the benefit for life, however they may receive a reduced rate if they have already received lump-sum compensation. It would be inequitable to allow some veterans to receive compensation at a total rate that is higher than what their impairment and lifestyle ratings justify, solely because they are paid by two sources, whilst other veterans are limited to being compensated by one source.

Superannuation offsetting is usually discussed in the context of the existing SRDP but will also be applied to the new ADA payment under the MRCA. Superannuation offsetting refers to the process which reduces these payments by 60 cents for every dollar the veteran is receiving in Commonwealth-funded any superannuation. Superannuation offsetting serves to ensure that a Commonwealth payment that is for the same purpose (i.e. for the veteran's inability to work) is provided by the Commonwealth only once.

3. Other issues raised

There was some general commentary amongst the submissions that the consultation on the Bill was too rushed. It should be noted that the Royal Commission into Defence and Veteran Suicide recommended this legislation be operational from 1 July 2025 as the reforms were urgently required to reduce mental health impacts and suicide risk. However, meeting this goal would have required shorter consultation and legislative timeframes, and that the Government in accepting the recommendation noted the need to ensure appropriate consultation, which has been comprehensive. Related matters are already being incorporated into the implementation plan, for example that DVA should ensure adequate training is provided.

Some matters for possible future consideration include reviewing timeframes for claims processing.

Other recommendations in the submissions, such as increasing the Decoration Allowance to align it with the Victoria Cross Allowance rate, does not align with the intention of the allowance. Decoration Allowance is provided to assist veterans with any maintenance costs associated with the upkeep of their medals, so it is not necessary to lift the rate so significantly. Further, allowing for legal representation at the VRB would be seen to be at odds with the purpose of that body, to provide a non-adversarial, veteran-friendly and cost-effective merits review pathway. Some have suggested that certain DRCA case law should be retained under the single ongoing Act, but this DRCA case law does not apply to the provisions of the MRCA which are different.

4. Conclusion

DVA appreciates the Committee's detailed consideration of these issues. The VETS Bill implements one of the key recommendations from the Royal Commission into Defence and Veteran Suicide.

The changes proposed by the Bill are first and foremost for the benefit of veterans and their families. If passed by the Parliament, they will remove much of the complexity that exists under the current model and result in a system that is simpler to navigate, provides like-for-like compensation outcomes irrespective of service type and allows DVA to investigate and determine claims more quickly.

Just as importantly, the Bill also ensures that all veterans and families who are receiving benefits when the new arrangements commence will continue to do so without any disruption, while allowing future claims to be considered under the most contemporary Act of legislation which supports Australia's veteran population.