

Submission with regards to the Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) Bill 2024

Honourable members,

Firstly, as a Veteran, who has been through the current system and its totally bizarre constrictions which relate to date of service, in relation to support of Veterans and the benefits are available for developed permanent impairment that one would believe, should be supported exactly the same for Veterans with the same level of permanent impairment, regardless of what Act they are being assessed under.

The introduction of the Veterans' Entitlement, Treatment and Support (Simplification and Harmonisation) Bill 2024 finally is the light at the end of the tunnel for Veterans, especially those caught up in the VEA, DRCA and MRCA lotto shenanigans, in relation to equality for permanent impairment. I missed up by 24 hours in submitting a submission to the Bill prior to its introduction to the Parliament. Fortunately, after enquires to my local Federal Member, The Hon Barnaby Joyce, I was informed about the current stage of the Act and submissions still open to the Committee.

I am going to use a very good principle for such a submission, **KISS**, keep it simple stupid. My submission directly relates to my experiences post service with medical conditions that have developed, been treated and assessed, under the DRCA regime.

I currently have 8 accepted conditions with the DVA and 2 conditions that are still under consideration. One of these conditions will be accepted as it occurred whilst overseas on deployment and has been assessed for likely corrective surgery in the future, by an orthopaedic surgeon. The other one will be interesting to see the assessment result. Of the 8 current conditions, 3 areas of my body are involved, right knee, lower lumbar and cervical spine. Each of these body areas have had corrective surgery, the lower back has had 2 operations, and the Cervical spine has had a fusion from C2 to C7. Of the 33 vertebrae in the human body, so far there are 7 vertebrae fused.

When the current final surgery and recovery was completed, I underwent permanent impairment assessment process under the DRCA Act. The different body part assessments were completed and a determination for each above-mentioned body parts was given by the DVA. Below are the relevant Permanent Impairment extracts from the DVA communications:

“The degree of your permanent impairment has been assessed using Part 2 (Defence Related Claims) of the *Guide to the Assessment of the Degree of Permanent Impairment—Edition 2.1* (the Guide) as **10%**.”

“The degree of your permanent impairment has been assessed using Part 2 (Defence Related Claims) of the *Guide to the Assessment of the Degree of Permanent Impairment—Edition 2.1* (the Guide) as **30%**.”

“The degree of your permanent impairment has been assessed using Part 2 (Defence Related Claims) of the *Guide to the Assessment of the Degree of Permanent Impairment—Edition 2.1* (the Guide) as **44%**.”

Under the current Acts, it appears under the MRCA Act, if a veteran has a total permanent impairment assessment of 60%/points a Gold Card is issued to the veteran.

Under the DRCA Act, even though a veteran may have a total of impairment ratings of 60% or more, there is no provision for the issue of a Gold Card. I think, under any commonsense viewing of the obvious discrepancy between the current Acts the DVA must work under, highlights a situation that needs to be corrected. And the hope that the current proposed Veterans' Entitlement, Treatment and Support (Simplification and Harmonisation) Bill 2024, using the very title of the Act, simplification and harmonisation, will remedy this imbalance of veteran support, but...

In reading the information about the new Act, in relation to my circumstances, raises some concerns, that at present viewing of what is intended, may not lead to simplification and harmonisation between veterans depending solely on the calendar period they served. My submission to correct the still possible anomalies between veterans' benefits, could still exist, pending on what Act they have been dealt under. The term “permanent impairment”, in my view, should mean exactly the same no matter what previous Act the assessment was made under. If you had 2 Veterans who had exactly the same health conditions and impairment rating of 60%/points, the veteran

under MRCA, are clearly well ahead in future medical coverage than the veteran who has been assessed under the DRCA scheme. Is any veteran, who has a higher impairment rating than a MRCA veteran who has reached 60%/points, for example, currently my impairment rating is currently at 84%/points but even though well over the 60%/points trigger point, does not have the advantage of a Gold card, to assist with other medical issues that do arise. You might say, well any new condition that might arise from a currently recognised complaint, should also be considered. Been there, done that. A complaint which could be related to a current recognised DVA condition depending on what medical evidence you look at or what thinking a DVA medical expert might have, will likely fail, placing the medical costs onto the veteran, even though possibly related to recognised conditions.

When the Veterans' Entitlement, Treatment and Support (Simplification and Harmonisation) Bill 2024 was put together, the glaring obvious should have been corrected. This Act will take on the conditions of the MRCA and incorporate those other veterans under it as well. How could it possibly still happen, that you might have a DRCA veteran with a total permanent impairment of 84%/points, not have the same benefits, a Gold card, as the veteran who is currently under the MRCA with only a 60%/points permanent impairment. As apart of the introduction of the new Act, any such identified anomaly, a veteran currently under MRCA, with a 60%/points permanent impairment and associated benefits AND the veteran currently under DRCA, with a 60%/points or greater permanent impairment, without the associated benefits??? Doesn't pass the pub test I don't think. Your ideal of simplification and harmonisation will be shot down in flames, with the obvious issues that occur when you are merging a number of Defence support Acts under the one umbrella, in trying to correct the already well documented and recognised serious anomalies. You will still have the situation where a veteran who has a 60%/points or more permanent impairment, still not eligible for a gold card to assist with their medical concerns.

I have read that there is the probability that a current DRCA veteran with a new complaint or increase of their overall impairment rating of 5 points, may be eligible for a Gold card within the new Act. Why should a veteran who has jumped through all the hoops all ready and been assessed with a permanent impairment of 60%/points or higher, not be granted the current MRCA benefits from the inception on the new Act? Do to the length of time before the new Act becomes law, probably even fairer to the DRCA veteran, if 60%/points is the magic number a veteran needs to be assessed at, for the issue of a Gold card, to assist with the usual other medical conditions that arise because you are not at 100% health due to Defence Force injuries and a good reason for issuing of a Gold card to cover these extra medical problems, the facts are already with the DVA, the permanent assessment is currently confirmed, a Gold card is issued forthwith during the interim of the incorporation of the new Act, likely not to be until 2026, to correct the discrepancy that has existed between Veterans simply due to the

fact of the date they served. Some form of increased protection for the DRCA veterans who are at 60%/points or better of permanent impairment now, be incorporated in the introduction of the Veterans' Entitlement, Treatment and Support (Simplification and Harmonisation) Bill 2024.

In closing, the obvious disparity between veterans working under DRCA and those working under MRCA, has long been recognised by the veteran community and frustrating DVA delegates working within the various Acts, who are trying to do the best they can for our veteran community, but work with tied hands. An Australian Government has finally taken the necessary legislative corrections to overcome and correct this glaring discrimination of DRCA veterans compared with MRCA veterans. There may be the possibility under the new Act, that DRCA veterans may gain some respite with better support, but even though they have reached the 60 point trigger for better total medical care, may still have to undertake further arduous administrative processes, to achieve this. When, if the Government were truly serious about correcting this discrimination between MRCA and DRCA benefits, granting the benefit of a gold card when having a 60%/points permanent impairment, from the onset of the new Veterans' Entitlement, Treatment and Support (Simplification and Harmonisation) Bill 2024, without any further administrative requirements (those have already been done to confirm their permanent incapacity) and if it is agreed that a serious discrepancy has existed in increased between Veterans due to the date they served, that action be taken now to correct this discrepancy and if their permanent impairment falls within the future trigger limit for the granting of a Gold card, the relevant oversights for handling the of any actions during the incorporation phase of the new Act.

As a veteran, I appreciate the efforts of the current Government, to correct these discrepancies that currently exist, but as presently laid out, you could still be left with a discrimination between veterans and their medical benefits, purely because of the dates they served our Nations, The Governments great work, cannot be ruined, by not fixing now, this current discrimination of medical benefits for veterans with permanent incapacity.

Yours respectfully,



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