

Good Morning,

Please disregard my previous email sent regarding this Bill as it was sent prematurely without being finished. I would like this submission to be my official submission to the SRCA/DRCA Bill.

As a current Pensions Officer and SRCA Client, I have considerable concerns for the enactment of this Bill and feel the DRCA is not all as it seems to be as the Minister Dan Tehan would like the Veteran Community to believe.

I will explain my situation with SRCA and how the implications will be a flow on effect to those that will fall under the issue of DRCA and into MRCA.

My service covers my time from 1991 to 2004 which has my accepted conditions fall under multiple legislative ACTs, being VEA and SRCA and it also includes Class A Comsuper. All of these Acts see my payments included in the "Offsetting Policy" that has been determined, that the Government should "not pay twice" to Veterans for the same conditions. As determined, my Class A Comsuper (now newly determined not to be a Defined Benefit Income Stream but now an Elected Lump Sum Disability Pension) which changes the taxation of the payment to now include a "Tax Free Component" that was previously not the case. The CSC had failed in its duty of care to properly advise their members that this was in fact available to them from the date of discharge but were never properly informed of this information..so although an ATO Private Ruling was made by myself and 100,s of other Veterans in the same situation have only been allowed to have the new election applied from the date the election has been made and moving forward. There was no retrospective payments allowed for the years that this information was not supplied and the Election was therefor unable to be made. So for my own circumstances that means 13 years of financial loss has been equated to the negligence of CSC, Comsuper.

So Tax Offsetting of my Comsuper has been applied from date of SRCA liability acceptance which meant that any money paid to me by CSC was offset on my SRCA Incapacity payment at 60c in the dollar. This has been occurring since 2007 with my first SRCA Payment. Not only is incapacity offset by also any Lump Sum Payments that are made in lieu of accepted liability for conditions under SRCA. I have had a back injury from 1997 offset and more recently my psychiatric conditions (accepted in 2014) but back dated to 2009 this also then created the situation that had my lump sum looked at in the financial year as the total income for adjustable tax purposes and due to also being a single mother of 4 it also incurred a debt with Centerlink for Parenting Payment and later in 2011 Disability Support Payment for the Inclusion of DFISA (Defence Force Income Support Allowance) that is applied if you are receiving payments under VEA Pension eligibility. So as you can see the multi-level application across not only different Legislative Acts transfers across several different Government Departments which is also inclusive of the Child Support Agency.

The idea of applying another ACT(The DRCA) will only complicate and confuse an already difficult system to navigate that is not only obvious for the Veteran but also the inexperienced and knowledge deficit delegates and that have to apply the impacts of these multi-faceted legislative Acts and the processes difficulty involved in payments to Veterans. Human Services does not have the same system as DVA or CSC and they struggle to understand where to allot the various different payments to their own system in Centerlink and you can on any given day ring to discuss your payments and the Centerlink Officers have no idea what a Veteran is talking about as their system does not reflect the same definitions of Military Payments. Also Child Support is also adversarial in its assumption of what is acceptable Income or Adjustable Income, with so many different Government Legislations and Policies being applied Veterans are financially disadvantage across every single department it will have to navigate to get accurate assessments, payments and clearing of debts or overpayments which occur on a regular basis.

I am, one such lucky individual who has had a overpayment applied to me after a DVA Maladministration in 2014. My Advocate and I applied to have my PTSD accepted under SRCA due to Sexual Assault, Bullying and Harassment. The SRCA Act was applied due to the time frame of the occurrence being 2002-2004 during peacetime service. I was awarded compensation which was back dated to 2009 (which is the earliest DVA were willing to concede to) and this then was paid as a Lump Sum which was to be offset against my VEA where I also had psychiatric conditions that arose out of Operational Service in East Timor in 99/2000 but at the time I did not meet the DSM IV for Stressor 1A or 1B at the time according to DVA Delegates and Senior Medical Advisor even tho Medical Reports had those stressors included in the reason for diagnosis. So it wasn't until the new DSM V was released that I was eligible to once again apply under VEA for my accepted conditions which now met the new diagnosis criteria. So I went from 10% to 90% under VEA which gave me a pension.

So with the SRCA payment for my Sexual Assault being back dated to 2009 and my already accepted psychiatric conditions from War Service, I had the offsetting applied due to the fact the Brain was the one Body Part Affected regardless of the different diagnosis and the separate incidents that occurred to have these claims accepted. Just like the lower limbs example that if one knee is injured in one accident and the other knee injured in a separate incident they too would be included together to give one whole person impairment. Until the case of Fellows and Canute. Although being the Brain/Head, DVA are able to pin all psychiatric conditions together due to this one body part being effected regardless of how separate and individual these conditions occurred.

So in 2014 the Maladministration of DVA Delegates who offered me a Permanent Impairment Lump Sum Payment for my SRCA conditions then my Lump Sum which was then offset against my VEA Pension for life. It was then a year later that a Delegate in Victoria Review my case and determined that I had now incurred an overpayment debt of \$30,000, this was notified to my Advocate Rod Thompson from APPVA only a month after a serious attempt of Suicide in March 2015. He could not understand how or why the debt had been incurred when a telephone conference had occurred ( which included

the offsetting delegate and 2 other senior DVA Delegates, myself and my Advocate. On Several occasions myself and my advocate at different times have requested the exact calculations, amounts, dates and reasons for the debt and unto this date we have never seen or been in receipt of this information.

After sometime and continuous discussions between my Advocate and DVA Delegates the \$30,000 that had been accrued including interest was Waived due to Maladministration by DVA. Although this was not to be the end of the situation, as DVA reported this payment to Centerlink and the ATO this then occurred further Debts to be raised in these departments. According to Centerlink, I had a debt raised by them due to DVA Reporting, then cancelled due to incorrect reporting, this also snowballed into ATO being given the incorrect information. So currently I have been having recovery payments taken from my VEA Pension due to the Maladministration of DVA without any Debt Notice, any calculations, dates, and reasons for the debt incurred which was originally over \$5,000 and is now down to \$2,300 which has been taken from my tax free pension under VEA leaving me with \$2.67 per f/n. So I now have requested a full audit of my payments under these Acts and have yet to receive a response from DVA. I have also initiated a Commonwealth Ombudsman Investigation into my DVA situation including loss of VEA FOI DOCUMENTS, the overpayment issues, the offsetting issues and more. I am currently awaiting the outcomes of these complaints (considering the new Digital Readiness Bill this has huge implications into this process also)

I have read the submission made by Brian Briggs from Slater and Gordon and completely agree with his review of the Bill for DRCA. As my examples are of my own personal situation this not only demonstrates Mr Briggs concerns with the already prejudicial processes and outcomes applied to Veterans under the current 3 Legislative Acts administrated by DVA but also includes the Comsuper administrated by CSC. To add the DRCA to the fold is just pure lunacy and irresponsible when it could simply be done by reviewing MRCA and applying the SRCA good aspects to the already watered down MRCA Legislation that is even more cut throats to young Veterans and their families. Offsetting under MRCA becomes \$ for \$ when you include Comsuper offsetting for SRDP...Ex Service Organisations have been asking for this for some years now and it has fallen on deaf ears.

Also regarding the offsetting policy enforced by DVA to stop the Government paying twice and to stop Veterans double dipping has only ever served the Government beneficially who are now seen as triple dipping. This can be shown by the CPI increase applied to Comsuper twice a year is then offset against SRCA/MRCA to then be deducted from that incapacity payment so the measly \$10 increase a Veteran may get in one hand from Comsuper is then ripped away by the Government from the other hand under SRCA/MRCA and to also have offsetting occur under VEA because of SRCA shows the Government takes more than a Veteran who could possibly "Double Dip" the offsetting implications occur also when it comes to the ATO and paying tax twice on amounts that are paid to a Veteran and the mistakes that occur thru maladministration can then only be recouped by the Veteran by having new amended PAYG certificates Issues and applying for amendment if tax via ATO to then have it adjusted. This effects

Veterans income consistently when it comes to involving other department like Child Support or Centerlink...it's an endless poverty cycle of paying back money that leads many Veterans to Suicide because of the complications involved in various departments.

There is also the question of the Notional 5% that is taken from Veterans under SRCA that is explained by Government Policy that this 5% notional amount is to be the reflection of payments that would have occurred for superannuation if the Veteran was employed. Well seeing as we are not employed under SRCA but rather are recipients of incapacity payment for injury/illness...I would like the question answered by Government Officials as to where this money goes or is it another black hole that allows Government a slush fund off the backs of Veterans Service related injury/illness? I have asked this question of many and no one can offer me an answer. If SRCA have these evident issues then how does replacing it with DRCA (which supposedly replicates the SRCA) of "ANY BENEFIT" to the Veteran at all? It sure seems as Mr Briggs has submitted the only winners here in adding this legislation is the Minister, Secretary and Government to yet again erode more Entitlements and Benefits owed to Veterans for Service to their Country and it can more simply done with the swipe of their own without proper due process or consultation with "RELEVANT" Ex Service Organisations other than RSL National, ADSO or VVAA who demographic represented would be majority unaffected by the more recent Legislations being SRCA/MRCA (& possibly DRCA) consultation should be sought directly to young Veterans and their families instead of those who represent the average age of over 60...this is not just unfair but also unjust and not reflective of the Real Issues and Needs of Younger Veterans. Time for the Government to recognise that RSL/ADSO and VVAA are not representing the Veterans that these Legislative Act changes affect.

If DVA, Comsuper, Centerlink, Child Support, ATO already struggle under the various Regulated Legislations, the variety of multiple departmental policies that are applied, how can the DRCA clear any of that up except to confuse, aggravate and negate Veterans Entitlements and Rights.

Regards  
Andrea Josephs