

**Senate Foreign Affairs, Defence and Trade
Legislation Committee**

SUBMISSION COVER SHEET

Inquiry Title: Military Rehabilitation and Compensation Bill
2003 and Related Bill

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Dear Sir/Madam,

I am pleased that the Military, Rehabilitation and Compensation Bill 2003 is now before the House of Representatives for its consideration and a closer look by this Committee.

Before I provide some comments on the above bill and its companion, by way of background information, I have been interested in veteran's issues since 1991 and made a submission to the Clark Inquiry. My reason for lodging that one was because of my ongoing concerns re the operation of the VEA and the problems in accessing compensation. I'm a former member of the BCOF Association (Gold Coast & Northern Rivers, NSW). During my membership with that association, I was a pension/welfare officer and an advocate.

Having limited experience as a advocate and enjoying my involvement, I also attended various seminars under the Training Information Program TIP and secondly, whilst this was a avenue of keeping up with various changes within the VEA, it was informative. One training module related to the MRCS and as this scheme is now being updated, for those who are providing a service to our veterans and defence personnel – will have to carefully digest the latest changes.

Although there are ongoing problems with the Veteran's Entitlements Act 1986, one question that can be asked is; will the defence and veteran's communities, welcome this new scheme? As this is a valid question, we only have to look at the heartache which continues for those who are—either being provided with compensation or, seeking access under either the Veterans' *Entitlements Act 1986* (VEA) and the *Safety, Rehabilitation and Compensation Act 1988* (SRCA). Both of these Acts are in need of urgent attention by the Senate.

As part of my interest in veteran's issues, I have read the historic "Toose Report" along with the "Baume Report" and including various Auditor-General's reports in the same portfolio. When the Veteran's Entitlements Bill 1985 was before the Australian Parliament, it was a challenging time for the then government, to get it through the Senate because of the amount of clauses contained within it and secondly, the outcry from within the veteran's community. So, when we look back through the Hansard record, could we see history repeating itself?

Whilst legislators and including federal governments have contributed to the problems that are being experienced (as previously stated), I do hope, that we won't see the same under the new MRC Act. Committee members would be aware of the heartache amongst veterans and former ADF personnel in trying to access the compensation payment systems provided by the 1986-88 Acts. Perhaps their needs should be further investigated.

For those who will receive compensation under the new scheme, they will be entitled to some of the benefits provided via the Department of Veteran's Affairs, such as the Gold Card. Whilst these benefits

will be welcomed, perhaps I would be right in saying that, there will be some that will miss out. Perhaps the start-up date of the new scheme should be backdated, thus allowing our serving ADF personnel in Iraq to receive the additional cover.

Under the new Act, it will provide for;

- A new authority, the Military Rehabilitation and Compensation Commission (the Commission),
- The MRCC will be responsible for the regulation and administration of the scheme
- The Commission will have three members from the Repatriation Commission and additional members from the Defence and Employment and Workplace Relations portfolios.
- The Department of Defence retains responsibility for occupational health and safety matters. It retains responsibilities under the *Occupational Health and Safety (Commonwealth Employment) Act 1991* and continues its membership of the Safety Rehabilitation and Compensation Commission.
- The Veterans' Review Board will have the additional responsibility for hearing claims relating to warlike or non-warlike service.
- The Administrative Appeals Tribunal available for all reconsidered or reviewed decisions.
- All members due for medical discharge will be individually case-managed through the transition to civilian life.
- the Commission will adopt the VEA Guide to Assessment of Rates of Veterans' Pensions (GARP) for this purpose. A new table will be added to GARP to enable conversion of the impairment and lifestyle ratings to give a compensation outcome.

Whilst the above provisions are of interest, I note the setting up of the Military Rehabilitation and Compensation Commission MRCC and to which it will join the Repatriation Commission and the Safety Rehabilitation and Compensation Commission SRCC. Whilst their operations are different, it does appear to me that there's duplication. With the expertise of the Repatriation Commission and the effectiveness of the Department of Veterans' Affairs in the day-to-day running, I would suggest that instead of having a new commission, let the Repatriation Commission have the control - seeing that it will have three representatives on the new MRCC.

As this is a interesting proposal that I put to the Committee, this wouldn't happen because of opposition that would come from the Government along with perhaps the SRCC and perhaps the DEWR. I note within the legislation that, the MRCS is going to have SCRA components. I note this from the Coalition's 2001 Defence policy:

Part 5—Compensation

The Coalition believes that it would be inappropriate to attempt to amend the current schemes, as neither the SRCA nor the VEA provide totally acceptable solutions.

So whilst this is clear, I provide another item that I received within 2 or 3 weeks of the 2003-4 Federal Budget being handed down, I received this from my local M.H.R. entitled; "Respecting our Veterans". *"The Government remains committed to implementing a Military Compensation Scheme that will replace the existing military compensation and repatriation systems for future Australian Defence operations. The new scheme will provide an appropriate mix of compensation and rehabilitation to meet the needs of any Australian Defence Force member who is injured in the course of their service"*.

Looking at the above parts in blue and underlined, the wording is indeed interesting and how can we interpret this and secondly, is this the intention of the Government in the future if it wins the next election. In finding this of interest, is the Repatriation Commission under threat?

There seems to be great importance attached to the position of the Department of Employment and Workplace Relations We should also consider the submission that it made to Mr Clark and his team. *“Any recommendations flowing from the Review in relation to such persons would have potential implications for non-service personnel involved in the same or similar activities. The outcome of the Review will also have implications for the Military compensation Scheme as well as Australian worker’s compensation schemes more generally”*.

I would also suggest that, from reading this extract, DEWR has sent a strong message re its position. I note that the Government is yet to decided whether this department will have a member on the MRCC.

So in closing of my submission, I firmly believe that the needs of our veterans and defence personnel must be continued to be heard and addressed thus resulting in less “heartache” for them. I fully support the Veterans’ Review Board have the task of hearing appeals that will arise under the MRCA. I further note that the appeal mechanism under the new scheme is also under consideration and finally, the operation of the VRB and its understanding of its powers should be further investigation.

I look forward to reading more from this Committee via its Hansard and report

Yours Sincerely

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