



Australian Government
Department of Veterans' Affairs

The new DVA Guide to the Assessment of the Degree of Permanent Impairment 2023

CONTENTS

1.0 Introduction	3
2.0 Draft Guide	3
2.1 Structure and design	3
2.2 Principles of Assessment	4
2.3 Bodily system chapters	4
2.4 Non-economic loss	4

1.0 Introduction

DVA, on behalf of the Military Rehabilitation and Compensation Commission (MRCC), has prepared a new *Safety, Rehabilitation and Compensation (Defence-related Claims) – Guide to the Assessment of the Degree of Permanent Impairment 2023* (the 'DVA Guide').

The DVA Guide provides the method for assessing the degree of permanent impairment and non-economic loss for the purpose of determining claims made under the *Safety, Rehabilitation and Compensation (Defence-related claims) Act 1988* (DRCA).

DVA is proposing that the new DVA Guide will reproduce Part 2 of the Current Guide, **without any substantive changes** that would affect compensation outcomes for veterans. This will also minimise disruption to the determination of veterans' compensation claims and minimise any potential impacts on claims-processing times.

No substantive changes have been made. This will ensure the outcomes for veterans' compensation claims remain the same.

Currently, the method for assessing Defence-related claims under the DRCA is provided by Part 2 of Comcare's *Guide to the Assessment of the Degree of Permanent Impairment – Edition 2.1* (the 'Current Guide'). Comcare currently uses Part 1 of the Current Guide for the assessment of claims made under the *Safety, Rehabilitation and Compensation Act 1988* (SRC Act).

The Current Guide is due to expire on 1 April 2023.

Comcare is seeking to replace the Current Guide before it expires and has prepared a new *Guide to the Assessment of the Degree of Permanent Impairment Edition 3.0* (the 'Comcare Guide'). The new Comcare Guide will replace Part 1 of the Current Guide, but will not include Part 2.

To allow for the ongoing assessment of claims for permanent impairment and non-economic loss made under the DRCA, a new Minister-approved Guide authorised under the Act must be in place by then.

2.0 Draft Guide

The new DVA Guide would be a standalone guide, with some improvements and minor changes, for the purpose of assessing and determining Defence-related compensation claims made under the DRCA.

2.1 Structure and design

When preparing the new DVA Guide, we have included the introductory material provided in Part 1 of the Current Guide. As this new Guide will be a standalone guide under the DRCA for the assessment of Defence-related claims, the introductory material provides necessary information for those who will be using and applying this Guide. This introductory material is substantially the same as that currently provided. Where the new Comcare Guide has also made changes, such as introducing 'survival of claims', DVA has aligned where possible and/or relevant in the context of Defence-related claims.

Form and content changes have been made to comply with modern drafting principles recommended by the Office of Parliamentary Counsel for the making of Commonwealth legislative Instruments.

Gender-neutral language has also been introduced in the DVA Guide, where possible or appropriate.

Improvements have been made by introducing paragraph numbering for readability and to assist with referencing. References to Divisions 1 and 2, Impairment Tables and Figures of Part 2 of the Current

Guide are unchanged. The DVA Guide retains the method for calculating the total entitlement to compensation from the Current Guide under a new Division 3 (similar to the new Comcare Guide) to ensure greater clarity around the method of assessment and calculation of final scores and the amount of compensation payable.

2.2 Principles of Assessment

The Principles of Assessment provide general guidance on the use of the DVA Guide and includes an explanation of some general terms and concepts referred to throughout the DVA Guide.

Only minor changes or improvements to the current operation of the Principles of Assessment have been made. These include:

- › the addition of numbered paragraphs to assist users when referencing
- › the addition of subsections and legislative notes for greater user clarity
- › terms that are defined in the DRCA and used in the Guide are provided and accompanied by the relevant section of the DRCA, where applicable
- › known typographical and transcription errors have been corrected.
- › minor style changes have been made to assist the user.

2.3 Bodily system chapters

Division 1 provides the method for assessing permanent impairment. The body system chapters, tables and figures have been retained from Division 1 Part 2 of the Current Guide, which are largely based on the *American Medical Association Guides to the Evaluation of Permanent Impairment, Fifth Edition* (AMA5).

The DVA Guide corrects some typographical and transcription errors in Part 2 of the Current Guide but will not change the method of assessments for determining the level of impairment.

The global changes made to the bodily system chapters in the new DVA Guide will have no impact on the outcomes of compensation entitlements for veterans.

2.4 Non-economic loss

Division 2 of the DVA Guide provides for the assessment of non-economic loss compensation. No material changes have been made to this division that will affect the outcome of compensation entitlements for veterans.

In preparing the new DVA Guide, a new Division 3 has been introduced, which separates the method for assessing the degree of non-economic loss and calculating the total entitlement to non-economic loss compensation. This is modelled on the new Comcare Guide.

The methodology for assessment, calculation of scores and total entitlement to compensation is unchanged and will not impact on the outcomes for veterans. This change is simply a format change from the Current Guide, moving Table 6 of Division 2 (in the Current Guide) into its own separate division.