



Australian Government

Department of Veterans' Affairs

Consultation Report

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

Acknowledgements

As Minister for Veterans' Affairs, I would like to extend my thanks on behalf of the Australian Government to all those who participated in consultations on the simplification and harmonisation of veterans' compensation legislation.

I would particularly like to express my appreciation to the serving and ex-serving members of the Australian Defence Force, families, carers and organisations from all over Australia who took the time to share their feedback and provide submissions to inform this most important work.

This feedback has been a vital component to getting this legislation right so we can ultimately ensure the veteran compensation system is easier for people to understand what they're eligible for, simpler to make a claim and faster for that claim to be processed, ultimately getting support to you, faster.



The Hon Matt Keogh MP
Minister for Veterans' Affairs
Minister for Defence Personnel

Acknowledgement of Country

We acknowledge the Traditional Custodians of Country throughout Australia. We pay our respects to Elders past and present. We recognise and celebrate Aboriginal and Torres Strait Islander people as the First Peoples of Australia and their continuing spiritual and cultural connection to land, sea and community.

Acknowledgement of Service

We respect and give thanks to all who have served in our defence force and their families. We acknowledge the unique nature of military service and the sacrifice demanded of all who commit to defend our nation. We undertake to preserve the memory and deeds of all who have served, and promise to welcome, embrace, and support all military veterans as respected and valued members of our community. For what they have done, this we will do.

Scope of this report

This report provides an analysis of the feedback received during consultation on the draft Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) (VETS) Bill 2024 conducted between 28 February and 28 April 2024.

The report summarises the submissions that the veteran community provided to DVA during the consultation process, and classifies them into three categories:

- 1) issues that will be addressed in the draft Bill;
- 2) an ongoing issue that may be considered in the future; or
- 3) issues that are out of scope for this legislation reform (see Table 1 on page 4).

Direct quotes from those who sent in correspondence and submissions during consultation have been included throughout the report, where consent to publish them has been given.

This report is not intended to present policy recommendations or provide evidence on specific issues. This report simply represents the views that were expressed by organisations and individuals regarding the proposed changes to veterans' legislation.

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

The Government sought comments on the draft VETS Bill 2024 which, if passed by Parliament, would implement a new model of veterans' compensation.

The VETS Bill would implement the single Act model proposed in the Veterans' Legislation Reform Consultation Pathway, shaped by the feedback provided by the veteran community in 2023.

The core elements of the model are:

- single ongoing Act – an improved *Military Rehabilitation and Compensation Act 2004* (MRCA) where all new claims for compensation and rehabilitation will be considered under the improved MRCA.
- closing the *Veterans' Entitlements Act 1986* (VEA) and the *Safety, Rehabilitation and Compensation (Defence-related claims) Act 1988* (DRCA) to new claims for compensation and rehabilitation, with grandparenting of already approved VEA/DRCA compensation payments.

The Government listened to the feedback received from the veteran community on the Pathway in 2023 and made some further enhancements to the MRCA, including:

- the introduction of a new Additional Disablement Amount (ADA), similar to the Extreme Disablement Adjustment (EDA) available under the VEA. Like EDA, the ADA would compensate veterans who are Age Pension age or older and have a high degree of incapacity due to service-related conditions.
- consolidation of household and attendant care, travel for treatment, and retention of automatic granting of VEA funeral benefits in the MRCA.

- an increase from \$2,000 to \$3,000 for funeral benefits for previous automatic grant categories under the VEA, and the availability of reimbursement of funeral expenses up to \$14,062 for all service-related deaths.
- the availability to all veterans of the higher travel reimbursement amount, regardless of kilometres, when a private vehicle is used to travel for treatment.

Further information, including explanatory materials of the Bill can be found at www.dva.gov.au/legislationreform.

Summary of findings

There was significant interest in the exposure draft legislation. DVA acknowledges the time and effort taken to provide submissions.

Table 1 classifies the main issues raised into three categories:

- 1) submissions on issues that were already included in the draft Bill or will be addressed before introduction to Parliament
- 2) submissions on ongoing legislative or policy issues that may be considered in the future by the Department
- 3) submissions on broader DVA issues that are out of scope (not directly related to the simplification and harmonisation of veterans' legislation)

Please note that the categorisation of the themes is correct at the time of publishing.

Classification of major themes raised during consultation

Table 1: classification of major themes raised during consultation

In Scope of the Bill
Definition of a veteran
Differences between amounts of funeral allowances under the different Acts
Differences in entitlements to Veteran Home Care (VHC) and Household Services and Attendant Care
Introduction of presumptive liability provisions to streamline claims processing
Addition of ADA that addresses concerns about extremely disabled veterans who reach retirement age
Transition from DRCA incapacity payments to MRCA incapacity payments
Changing offsetting arrangements for MRCA incapacity payments with Disability Compensation Payment (DCP)
Gold Card eligibility for DRCA veterans
Update of incorrect wording used in the legislation, e.g. <i>Victoria Cross for Australia</i>
Expand MRCA eligibility to include all National Servicemen
The unique arrangements for ADF Firefighters and F-111 Deseal/Reseal workers will be transferred into the MRCA
Harmonising travel for treatment under the three current Acts

In Scope of the Bill

Responding to concerns about lump sum payments for vulnerable veterans

The MRCA does not sufficiently recognise the various caring arrangements that may apply in regard to section 80 payments

Ongoing legislative and policy issues

Whole-of-Government coordination of veteran benefits and payments

The definition of dependants and wholly dependent partners contained within the MRCA

The common-law damages upper limit should be indexed twice a year

Provide coverage to address the modern, multi-agency approach to peacekeeping type operations, including Police Officers and Defence Civilians

Increased demand for financial advice, including advice on management of lump sum payments and requests to increase the reimbursement amounts

Training for advocates and legal representation

The impact of changes (e.g. terminology) on state and territory concessions

The Government needs to ensure an appropriate transitional plan is in place for veterans, families and advocates

Information sharing processes between DVA and Defence

Incentives for care providers to help veterans

Out of Scope

Extend Non-Liability Health Care for all conditions, and expand to reservists and national servicemen (1965-1972)

Remove the service differentials to reflect the changed nature of conflict, service and force structure

Request to use rent assistance provided by the ADF for mortgage payments

Compensation for military working dogs

Request for a single standard of proof

Classification of Malaysia as an operational area between 1968-1989

Concerns with the MRCA whole-of-person assessment model

Allow legal representation at VRB hearings

DVA cultural change

The need to improve/streamline the claims process and educate veterans and families on how the claims process works in order to achieve the benefits of the simplified legislation

The need for psychiatrists to diagnose mental health conditions in order to accept claims

Allow veteran Gold Card holders to access Defence Home Ownership Assistance Scheme

Consultation process

A total of 26 consultations were conducted in person and online across Australia, including sessions in each capital city and Townsville. The Minister for Veterans' Affairs convened two of these face-to-face meetings in Brisbane and Canberra. More than 230 individuals attended these sessions, including veterans, families, advocates, legal experts and representatives from ex-service organisations (including members of DVA's National Consultation Framework).

DVA also met with other stakeholders, such as the Veterans' Review Board and other Government agencies.

The following communication platforms were continued from the 2023 consultation to ensure reach across Australia and ensure the veteran community was kept informed of the consultation process:

- a dedicated email channel so people could contact DVA and submit their comments (legislation.reform@dva.gov.au)
- dedicated pages on the DVA website to provide information and facilitate consultation
- 3 public webinars delivered nationally, with one recorded and published on the DVA website
- 103 updates and posts on DVA's social media platforms
- ads in 10 newspapers, covering all capital cities and Townsville, on 9 and 30 March 2024
- written correspondence to the Minister and DVA regarding legislative reform

CONSULTATION ACTIVITY



Up to 240

PARTICIPANTS
IN 3 WEBINARS



over 230

PARTICIPANTS
IN 26 CONSULTATIONS



45

ORGANISATIONS
CONSULTED



323

SUBMISSIONS
RECEIVED



103

SOCIAL MEDIA
POSTS



699,635

PEOPLE REACHED VIA
SOCIAL MEDIA



1,138,104

SOCIAL MEDIA
TOTAL IMPRESSIONS

Note:

Reach is the number of unique users who saw the content.

Impressions are the number of times a post was seen by users.

Website

The DVA website was updated with pages to support the draft legislation, including:

- an explanation of what the draft legislation is and what it will do
- scenarios to illustrate how the changes will impact the veteran community
- how to be involved in the consultation
- an update on the 2023 consultation and what we heard from the veteran community; and
- other supporting materials to assist with understanding the exposure draft legislation, including an information booklet, fact sheets and answers to questions from stakeholder engagements.

This webpage was viewed 23,632 times between 28 February and 28 April 2024. These pages can be found on the DVA website at www.dva.gov.au/legislationreform and will continue to be available until the legislation is implemented to allow the veteran community to continue to engage with and examine the impacts of the Bill.

Webinars

Three (3) online public webinars were delivered between 3 and 17 April 2024, with approximately 240 attendees in total. Senior DVA staff talked through the proposed changes in detail and answered questions from participants. Ninety-nine (99) questions were received during the webinars, with some answered during the presentations and written answers to all relevant questions published on the DVA website. The second webinar session (9 April 2024) was recorded and made available for viewing on the DVA website.

Social media

DVA also used its social media platforms (Facebook, Instagram, X and LinkedIn) to communicate to all Australians, and provided the opportunity for people to participate in the consultation process.

Over the course of the consultation period, DVA's social media posted 103 times and received:

- 1,138,104 total impressions* (number of times a post was seen by users)
- 699,635 total engagements (number of unique users who saw the content)

*Please note the total number of impressions does not include viewing of Facebook Story content.

The Minister for Veterans' Affairs also posted regularly on his personal social media (Facebook and Instagram) encouraging the veteran community to participate in the consultation process.



Image 1: VETS Bill Social Media Post



Image 2: VETS Bill Social Media Post

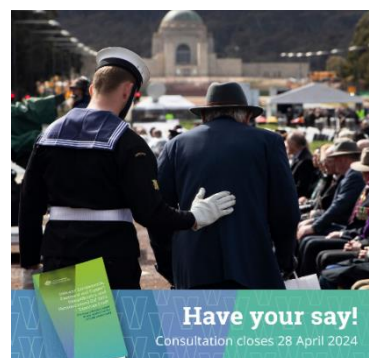


Image 3: VETS Bill Social Media Post

Submissions

The Government received **466** pieces of feedback. All feedback from stakeholders was classified as a submission unless they sought clarification or asked questions about personal circumstances. Feedback and questions received relating to a veteran's personal circumstances were forwarded to the appropriate business area in DVA to respond.

An online form for providing submissions provided the opportunity for stakeholders to participate in the consultation process regardless of their location. Email submissions were also accepted. The online form on DVA's website was open for submissions from 28 February to 28 April 2024. In response to feedback received during the 2023 consultation process, stakeholders were able to upload a document or write free text as part of their submission.

A total of **323** submissions were received - 278 of these were from individuals and 45 were from organisations.

- Air Force Association
- Australian Catholic University
- Australian Lawyers Alliance
- Australian Peacekeeper and Peacemaker Veterans' Association
- Australian Special Air Service Association
- Australian Veterans' Children Assistance Fund
- Australian Veterans Health Service
- Australian War Widows Inc.
- Consortium of Ex-Service Organisations of South Australia
- Defence and Veterans' Legal Service and National Legal Aid
- Defence Families of Australia
- Defence Force Welfare Association
- Defence Kidz
- Disabled Veterans of Australia Network
- Emmanuel Solicitors
- Families of Veterans Guild
- Integrated Servicepeople's Association of Australia
- KCI Lawyers
- Legacy Australia
- Legacy Club Services
- Legal Aid NSW
- Maroochy RSL Veterans Hub
- Nasho Fair Go
- National Council of Women WA
- Naval Association of Australia
- Partners of Veterans Association of Australia Inc.
- Police Federation of Australia
- Repatriation Medical Authority
- Reach Wellness
- Royal Australian Armoured Corporation
- RSL Australia
- RSL Victoria
- RSL NSW
- RSL QLD
- RSL NSW Cardiff Sub-Branch
- Slater and Gordon
- Suicide Prevention Australia
- The Social Deck
- TPI Association QLD
- TPI Association Townsville
- TPI Federation of Australia
- United Nations Overseas Policing Association of Australia
- Veterans' Wellbeing Network Mid North Coast
- Victorian Government
- Vietnam Veterans Association of Australia Inc.

Major themes from submissions

The key themes on the draft legislation are provided below. A full analysis of all submissions can be found at [Attachment A](#).

Support for the Pathway

A total of **44** written submissions were received that explicitly supported the proposal, although some with qualifications.

Five submissions clearly articulated that they did not support the proposal. One reason cited was that this was perceived to be a cost saving exercise for Government that is not beneficial for veterans. There were also concerns raised about the proposed commencement date of 1 July 2026, and the Government consulting on the draft bill before the final recommendations from the Royal Commission into Defence and Veteran Suicide are released.

The Government has committed \$222 million of additional funding over four years in direct for veteran and family supports to be made available through the new simplified veteran compensation legislation.

Submissions related to the draft legislation

Definition of a Veteran

There were differing views expressed on the definition of a veteran and who should be able to access veteran entitlements. The Naval Association of Australia stated that “*the definition of a ‘veteran’ as contained in the VEA be used in MRCA*”. Similarly, “*The RSL advocates 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.*” They continued by recommending “*a definition of a Veteran should be provided in Section 5 [chapter 1]. RSL submits that the VETs should draw on the current definition of a veteran which is found in the Australian Veterans’ Recognition (Putting Veterans and Their Families First) Act 2019 at Section 4.*”

Following feedback on this matter, the Australian Government has decided to insert a definition of veteran into the MRCA.

Inequity of Funeral Allowances

Submissions were broadly appreciative of the increase from \$2,000 to \$3,000 for automatic grant categories under the VEA, and the eligibility expansion to be able to access the MRCA rate of reimbursement for service-related deaths. There were views expressed that funeral benefits under the VEA should be indexed, the reimbursement model puts pressure on families, and concerns that while the increase is welcomed, there needs to be further work done to remove the inequity between the VEA and MRCA reimbursement amounts.

The Families of Veterans' Guild stated that they "see the harmonisation Bill and the 'enhanced' MRCA as the first step in a much larger project of system reform and simplification and would encourage both sides of politics, government, and its departments to not rest once this Bill is passed. Additional work required on the 'enhanced' MRCA include [the] removal of inequity in the provision of funeral entitlements."

The draft legislation includes an increase from \$2,000 to \$3,000 for funeral benefits for previous automatic grant categories under the VEA, and the availability of reimbursement for funeral expenses up to \$14,062 for all service-related deaths.

Inequity of Veterans' Home Care (VHC) and Household Services and Attendant Care

The expansion of the eligibility for the Household Services and Attendant Care program was welcomed. There were concerns that veterans accessing VHC may be disadvantaged under the MRCA, suggestions that the maximum statutory limit for the provision of VHC should be increased and calls to increase the eligibility for Household Services to all veterans. There were also concerns that while the eligibility of Household Services and Attendant Care has been expanded to VEA veterans, this eligibility does not extend to bereaved partners who will only be able to access VHC.

Legacy Australia stated "the continued operation of two systems through the Veterans' Home Care Program and the Household Services Program appears to be inefficient. The Bill appears to allow VEA and DRCA veterans to access the more generous provisions of the Household Services Program provided under MRCA and DRCA but does not extend this opportunity to bereaved partners."

The Bill expands eligibility for the Household Services and Attendant Care program to all veterans who are unable to manage household tasks due to their service-related conditions from 1 July 2026. It also increases the maximum value of services to \$573.61 per week.

Introduction of presumptive liability provisions to streamline claims processing

Presumptive liability will be used to establish the causal link between a claimant's ADF service and the injury or disease they are claiming. There is currently a list of streamlined and straight through processing conditions and sequela conditions used in DVA policy, and the draft legislation will legislate these provisions.

There was interest from stakeholders in how presumptive liability would work, how it intersects with the Statements of Principles (SoPs) regime, how additional conditions would be added in the future and requests for the current list of conditions and sequela.

The Consortium of South Australian Ex-Service Organisations, which comprised 20 ex-service and kindred organisations, consider presumptive liability "a key area for continuing reform, as it has the potential to significantly reduce the stress and anxiety of veterans submitting claims for medical conditions arising from their service". The Vietnam Veterans Association of Australia Inc also "support the introduction of the concept of presumptive liability and encourage the department to consider ways and means of expanding this."

The Bill introduces presumptive liability which means the Repatriation Commission would be able to specify injuries and diseases that can be determined on a presumptive bases where they are known to have a common connection with military service.

Addition of Additional Disablement Amount (ADA) that addresses concerns about extremely disabled veterans who reach retirement age

ADA will mirror the existing Extreme Disablement Adjustment under the VEA. It will be reduced on a dollar-for-dollar basis by any compensation received, to ensure no veteran is compensated twice for the same injury and will additionally be offset by the Commonwealth-funded component of any superannuation the veteran is receiving.

The addition of ADA to the MRCA was generally welcomed as it addresses concerns that were raised about compensation for extremely disabled veterans older than age pension age, especially as it also ensures continued automatic eligibility for Wholly Dependent Partner compensation for this cohort.

The ADA will compensate veterans who are Age Pension age or older and have a high degree of incapacity due to service-related conditions.

Transition from DRCA incapacity payments to MRCA incapacity payments

DVA received feedback expressing concerns with the transition from DRCA incapacity to MRCA incapacity payments. Explanations as to the need for a period of incapacity to end before making a new claim for incapacity payments was provided. Stakeholders were concerned that this opportunity for simplification was not being acted upon in the Bill currently. RSL Australia submitted that *“DVA should take a pragmatic approach to this issue ... and simply transfer all DRCA Incapacity payees to come under MRCA legislation from the date of implementation.”*

Upon receiving this feedback, the Australian Government has decided that veterans in receipt of DRCA incapacity payments will automatically transition to MRCA incapacity payments on the date of commencement.

Changing of offsetting arrangements of MRCA incapacity payments with Disability Compensation Payment (DCP).

Stakeholders expressed concerns over two different offsetting circumstances:

- 1) Offsetting the full amount of DCP by any incapacity payments received, which amounts to offsetting a compensation payment (DCP) that is effectively made up of both economic loss and non-economic loss compensation payments, by incapacity payments which is purely compensation for economic loss.
- 2) Offsetting Special Rate Disability Pension (SRDP) and ADA by Commonwealth Superannuation as that disadvantages future SRDP/ADA recipients who would have received Totally and Permanently Incapacitated (TPI) / EDA payments under the VEA.

The TPI Federation recommended “that the Commonwealth remove the superannuation offsetting against all DVA compensation payments or, at a minimum, to remove it from all SRDP and ADA calculations as the economic loss components are below the tax-adjusted minimum wage.” The RSL urged DVA ‘to provide more information on the many types of offsetting which are imbedded in the legislation and clarify the offsetting processes and why they are in place.’

Both SRDP and ADA are modernised versions of TPI and EDA and are designed as a safety net payment. The inclusion of Commonwealth superannuation reflects the level of financial support now available to veterans.

Gold Card eligibility for DRCA veterans

A handful of submissions called for the expansion of Gold Cards to include DRCA veterans. This is directly addressed in the draft legislation. DRCA veterans with high levels of impairment may, for the first time, be able to access a Gold Card under new arrangements. They will, however, require acceptance of a new claim for initial liability under the Act from 1 July 2026 or for a previous impairment to have worsened by at least five impairment points as a trigger for eligibility/assessment under the MRCA.

Other concerns raised included retrospectively extending the provision of a Gold Card to a DRCA widow whose partner’s death has been previously accepted to be service related and that the MRCA threshold test will prevent DRCA-eligible veterans from accessing the Gold Card.

DRCA veterans may become eligible for the Gold Card under certain circumstances.

Update of incorrect wording used in the legislation, e.g. Victoria Cross for Australia

A small number of errors have been identified by the veteran community and updated in the draft legislation.

Errors identified in the draft legislation have been updated.

Expand MRCA eligibility to include all National Servicemen

Submissions were received seeking confirmation that all National Servicemen will be covered under the MRCA, in addition to asking to expand non-liability health care to National Servicemen with service between 1965-1972. After commencement, anyone who has served in the ADF will have coverage under the MRCA. This includes people who have one day of service, regardless of whether it is full-time or reserve service, or National Service. It also includes people who have served during any period of time, regardless of whether they discharged before or after 1972.

From 1 July 2026, all National Servicemen will have eligibility for compensation under the MRCA.

The unique arrangements for ADF Firefighters and F-111 Deseal/Reseal workers will be transferred into the MRCA

DVA has an established support scheme for ADF personnel who participated in fire training at the Royal Australian Air Force (RAAF) Base Point Cook Fire Training School between 1 January 1957 and 31 December 1986 or firefighter service training at RAAF Base Amberley between 1976 and 1994. This scheme is currently based in DRCA will be 'lifted and shifted' into the MRCA. Additionally, presumptive liability for ADF firefighters with specified cancer and appropriate service under the DRCA will also be moved into the MRCA. DVA received queries seeking to confirm that the scheme will continue and responded to these concerns. A factsheet was also developed and published on the DVA website.

The unique arrangements for ADF Firefighters and F-111 Deseal/Reseal workers will be transferred into the MRCA.

Harmonising travel for treatment under the three current acts

Submissions were supportive of the harmonisation of private vehicle travel for treatment arrangements. A handful of submissions called for the rates of travel (vehicle allowance, accommodation allowance and meal allowance) to align with the Commonwealth employee rates. The current MRCA accommodation rates, which will be expanded to all veterans on 1 July 2026, are based on Commonwealth employee rates of accommodation reimbursement. Additionally, the higher MRCA vehicle allowance of \$0.68 per kilometre will apply to all veterans travelling for treatment.

Harmonisation of private vehicle travel for treatment arrangements, including a standard reimbursement amount and removal of a minimum distance.

Responding to concerns of lump sums for vulnerable veterans

Views were mixed in regard to the potential harm caused by providing lump sums to vulnerable veterans. While it is acknowledged that lump sums can be problematic, people were also of the view that there was an entitlement to receive the compensation as a lump sum if so desired, regardless of circumstance. 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. The trustee provisions from the VEA have been replicated in the proposed enhanced MRCA. Based on feedback received during consultation, the Bill introduces an instrument making power that will enable the commission to determine circumstances where a veteran must receive financial advice. In conjunction with this, policy will be developed to outline the Commission's approach to encouraging vulnerable veterans to seek financial advice when available.

Based on feedback received during consultation, the Bill introduces an instrument making power that will enable the Commission to determine circumstances where a veteran must receive financial advice.

The MRCA does not sufficiently recognise the various caring arrangements that may apply in regard to section 80 payments

The expansion of eligible recipients to include primary carers in respect of Eligible Young Persons (EYP) section 80 payments has been raised, as well as how additional veterans such as severely impaired VEA and DRCA veterans will meet the eligibility tests. There was commentary both in support of the change, and against.

Legacy Australia supported this proposal stating that *“while this still does not guarantee that the payment will be used for the intended purpose (e.g., the child’s education needs), it at least ensures that the funds can be used in the household that is providing primary care.”*

Alternatively, a joint submission from KCI Lawyers and Vietnam Veterans’ Federation of Australia suggested that *“the amount is paid to recognise the most serious injuries to veterans assessed at 80 impairment points and to assist their EYP’s due to the extent of the injuries. It is designed to compensate them and their children, not someone who fits the definition of have the “primary responsibility for the daily care of the eligible young person or child.”*

The draft legislation has changed the eligible recipients for section 80 EYP payments to include primary carers.

Questions about individual circumstances and transitional provisions

DVA received many questions about what the legislation will mean for individual circumstances and what they need to do before / after the commencement. DVA has provided a number of scenarios on its website demonstrating how the single ongoing Act may impact individuals. These scenarios can be viewed at <https://www.dva.gov.au/about/royal-commission/veterans-legislation-reform-exposure-draft-consultation/veterans-legislation-reform-scenarios>. Advocate training was a particular focus, as was clear and concise information to assist veterans and their families make the decision to bring forward, or hold back, a claim.

DVA also received a number of requests for clarification on how the new arrangements would work, especially around grandparenting and seeking a commitment that current benefits and payments would not change or that veterans would not be worse off. Questioners were updated on the approach to grandparenting which served to assuage many of the concerns. The Frequently Asked Questions (FAQs) on the website were updated to better outline how grandparenting will work, and social media posts focussed on reassurance regarding the protection of existing payments. Queries have also been received about the impact to VEA, DRCA and TPI veterans as well as dependants (future war widows and children) and National Servicemen.

There were also questions about death benefits, the assessment of previously accepted VEA/DRCA conditions under the MRCA, the new head of liability (injury simpliciter), travel for treatment, smoking

related claims, the impact on case law and transition arrangements. A number of these questions highlighted that people do not understand the current system and entitlements. It has been a key principle of this reform that there will be no reduction in payments currently received or previously received by veterans. They also assisted DVA to target specific information in the FAQs.

DVA responded to questions about individual circumstances, updated FAQs and targeted social media posts for common questions.

Timing

A small number of people expressed views on the timing of implementation. Some were concerned about the impact of the deferral to 2026 on veterans and others questioned why the legislation would be finalised before the final Report is handed down from the Royal Commission.

The Australian Special Air Service Association recommended “that the date for submissions and suggestions for the Draft Legislation be moved to 30 September 2024. Changing this date will allow for issues that are raised through the current Exposure draft feedback process and in the final RC Report, to be addressed in a widespread and considered manner.”

There were also questions about the training for delegates and advocates and there were some concerns expressed about a claims surge prior to or just after commencement. The proposed commencement date of 1 July 2026 takes these concerns into account by providing enough time for DVA to ensure appropriate supports for advocates and claims processing staff are in place.

It is important that we get this right and that veterans and their families have enough time to understand the impacts on their circumstance. DVA delegates and advocates will receive training in advance of the commencement date to ensure they can support veterans and their families through the transition.

Submissions related to ongoing issues

The issues listed below have been categorised as ongoing. This is an acknowledgement that the issues may be resolved in the future as part of the legislative reform process or may be considered in the policy or administrative context during implementation. It is not a commitment from Government. Where DVA has undertaken initial consideration, this is provided below.

- Whole-of-Government coordination of veteran benefits and payments
 - The Minister holds regular Veterans’ Ministerial Council meetings with State and Territory counterparts to consider matters of interest that impact on veterans. Additionally, DVA works closely with Government Agencies, including with State and Territory Governments about a range of different issues.
- The MRCA terminology of dependants and wholly dependent partner is not appropriate

- DVA notes there is no firm view in the veteran community as to the preferred language associated with this entitlement. Work is currently underway with the Veteran Family Advocate Commissioner and relevant stakeholders to resolve this matter. However, any changes will be subject to Government agreement.
- The common law damages upper limit should be indexed twice a year
 - This suggestion may be considered as part of the implementation process.
- Provide coverage to address the modern, multi-agency approach to peacekeeping operations, including Police Officers and Defence Civilians
 - This expansion of eligibility may be considered by the Government in the future.
- Increased demand for financial advice, including advice on mismanagement of lump sum payments and requests to increase the costs available
 - This will be partly addressed if an instrument making power is introduced into the Bill as outlined under responding to concerns of lump sums for vulnerable veterans.
- Training for advocates and legal representation
 - The current training packages for the Advocacy Training and Development Program (ATDP) will be updated as part of implementation.
- The impact of changes (e.g. terminology) on state and territory concessions
 - DVA is engaging with all Australian States and Territories through the Commonwealth, State and Territories Committee.
- The Government needs to ensure an appropriate transitional plan is in place for veterans, families and advocates.
 - DVA has identified this as an implementation risk that will require mitigation strategies and community education.
- Information sharing processes between DVA and Defence
 - This is an ongoing issue that DVA and Defence are jointly working on.
- Incentives for care providers to help veterans.
 - DVA recognises the importance of care providers.

Submissions that were out of scope

The list of issues in Table 1 have been categorised as out of scope. This is not a rejection of the issue; however, they are not considered necessary to achieve the simplification and harmonisation of the legislation. These requests have been forwarded to the appropriate business area in DVA for consideration.