

Submission
Veterans' Legislation Reform Consultation

I offer the following comments:

1. Current Disability Compensation Payments under the VEA be maintained under new single Act.
2. Eligibility for Above General Rate of Disability Compensation Payments under the VEA Sections 22, 23, 24, 25, and 27 be maintained under new single Act.
3. Eligibility for War Widows under VEA, including automatic qualification provisions such as EDA (including EDA eligible criteria), be maintained under the new single Act.
4. The provision of Funeral Benefits under Section 99 of the VEA be included in the new single Act.
5. The Guide to Determining Impairment and Compensation (GARP M) be maintained under the new single Act, albeit with Chapter 25 not being applicable, or requiring modification after the commencement date.
6. Where a veteran already has accepted conditions under DRCA that any application for worsening of these conditions be assessed under the existing DRCA arrangements, i.e., condition (injury) based and not whole person impairment and Part 2 of Permanent Impairment Guide Edition 2.1 November 2011 remains applicable. Any new conditions would be assessed under the new single Act.
7. Where a veteran has accepted conditions under the VEA and claim is lodged for increase the existing VEA Disability Compensation Payments will be assessed under the existing VEA arrangements and GARP V. Any new conditions be assessed under the new single Act. However, AGR eligibility criteria would still apply.
8. There are examples of legislation maintaining, or grandfathering, particular requirements for superseded legislation. For example, When the Safety Rehabilitation and Compensation Act 1988 replaced the Compensation (Commonwealth Employees) Act 1971 in 7 December 1988. There were a number of transitional provisions from the 1971 Act and the 1930 Act were grandfathered in the SRCA 1988 at Part X, Divisions 1, 2, and 3. This part contains Sections 123 to Section 137 dealing with the transitional provisions concerning compensation between the old Acts (1930 & 1971) and the SRCA 1988. These provisions in fact limited the type of compensation available, not improved. For example, a claim lodged in 1990 for a back condition (or mental health) would not have attracted a PI payment if the condition was said to have become permanent prior to 7 December 1988. The same applied to mental health conditions. Compensation for other conditions is assessed as they were under the 1930 (s12, Third Schedule) and 1971 (s39) Acts (Table of Maims).
9. In regards to assessment of new VEA conditions, will the requirement for conditions to be permanent and stable be applied to any new conditions and will this requirement also

be applied to existing conditions. Currently, this requirement is not part any impairment assessment under the VEA.

10. Will DRCA conditions (if to be assessed under the new single Act) require a worsening of 10 points as currently under DRCA or will a worsening of 5 points apply as currently under MRCA?
11. After the commencement date, will veterans currently on DRCA Incapacity payments remain on Incapacity payments as per Division 3, Injuries resulting in incapacity for work, Sections 19 to 23, or will they be transitioned to Incapacity payments as per Chapter 4, Compensation for members and former members, Part3-Compensation for incapacity for service or work for members, Part 4-Compensation for incapacity for work for former members, Part 5-Adjusting the amount of compensation for incapacity for service or work, and Part 6-Choice to receive a Special Rate Disability Pension? Will this transition be automatic or require a new application to be made?
12. Currently under the VEA disability compensation payments commence at 5 impairments and/or a lifestyle rating of 1 (even where impairment is 0 points). Will this remain under the new single Act or the required threshold change to 10 impairments (5 points for hearing, taste, and smell).
13. Currently impairment assessment points calculated using GARP 5 are rounded up or down in multiples of 5 as follows, figures ending on 3 or 4, or 8 or 9 should be rounded up, figures ending on 1 or 2 or 6 or 7 should be rounded down. This means that a combined total of 68 or 69 would be rounded up to 70 points and therefore meet one of the requirements for EDA. If the new single Act is based on MRCA then there is no rounding and these combined scores would not meet the requirement for EDA.



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