

TERMS OF REFERENCE

REVIEW OF VETERANS' ELIGIBILITY PROVISIONS AND BENEFITS FOR TOTALLY AND PERMANENTLY INCAPACITATED AND OTHER VETERAN DISABILITY PENSIONERS

Background

Representations have been made to the Government concerning access to and perceived anomalies with eligibility, including Qualifying Service, provisions under the Veterans' Entitlements Act 1986 (VEA). Organisations making these representations include some World War II veterans who do not have Qualifying Service, veterans of the British Commonwealth Occupation Force in Japan, participants of the British atomic testing in Australia and servicemen engaged in counter terrorist and special recovery teams.

Additionally, a number of Ex-Service Organisations have expressed concern regarding the adequacy of benefits for veterans receiving veterans' disability pension, at the Special Rate (TPI) and some other levels.

The Government has agreed that these matters will be considered by an independent review.

Role

The committee will conduct a review into the issues specified in this Terms of Reference.

Membership

The committee will be chaired by Hon Justice John Clarke QC and the other members will be Air Marshal Douglas Riding AO DFC and Dr David Rosalky.

Terms of Reference

The Government is committed to providing fair, consistent and appropriate benefits to Australia's veterans.

Against this background, the committee will review and make recommendations on:

1. the current policy relating to eligibility for access to VEA benefits and Qualifying Service under the VEA; and
2. the benefits available to disability compensation pensioners under the VEA.

The review will:

Access to VEA benefits and Qualifying Service

- Consider the historical context and current interpretation of the provisions for Qualifying Service having regard to relevant Parliamentary statements and the position reached by the Courts;
- Consider perceived anomalies with eligibility for access to VEA benefits and Qualifying Service that might be raised by some World War II veterans, veterans of the British Commonwealth Occupation Forces in Japan, Australian participants in British Atomic testing in Australia, Australian service personnel engaged in counter terrorist and special recovery training and other interested parties; and

- Recommend possible changes to address any anomalies and to facilitate the equitable and efficient administration of the VEA.

Special Rate and other Rates of Disability Pensions

- Document and examine past and current disability compensation pension and related benefits available to veterans under the VEA;
- Consider submissions made by interested parties as to the structure and appropriateness of those pensions and benefits;
- Consider the extent to which the medical, social and vocational rehabilitation needs of compensation pensioners are being adequately met; and
- Make recommendations on possible improvements in benefits and support programs to address any identified deficiencies, including the potential to restructure benefits and programs in order to assist the funding of desired reforms.

Conduct of Review

In examining issues and developing options, the committee should plan to seek submissions from and meet with veteran organisations and other interested parties at the appropriate time.

In its deliberations the committee will need to bear in mind the commitment of the Government to responsible economic management.

The committee will report to the Minister no later than mid-November 2002. The Government would expect to examine options identified by the committee with a view to considering any appropriate changes for the year 2003/04.

Administrative Arrangements

The review and associated costs will be met by the Department of Veterans' Affairs and the Department of Defence, including office accommodation and travel expenses.

The Departments of Veterans' Affairs and Defence will provide secretariat and administrative support, including the preparation of documents and assisting the committee by giving advice and briefings on specific matters.

Danna Vale MP

Minister for Veterans' Affairs

Minister Assisting the Minister for Defence