



**VIETNAM VETERANS
ASSOCIATION OF AUSTRALIA**

**SUBMISSION TO THE REVIEW COMMITTEE OF THE
VETERANS' ENTITLEMENT ACT**

**SUMMARY OF
RECOMMENDATIONS**

30 April 2002

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SUMMARY OF RECOMMENDATIONS – VVAA SUBMISSION

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SUMMARY OF RECOMMENDATIONS – VVAA SUBMISSION

Summary

**Part 1 -
Special rate**

1. The VVAA recommends that the Veterans Entitlements Review committee propose that government:
 - (a) adopt the VVAA model for calculation of the Special Rate of Pension; and
 - (b) adjust the rate (a minimum of 62% is proposed) to derive an outcome which compensates for the erosion of the Special Rate of Pension from 1941 and restores the quality of life of the recipients; and
 - (c) identify an effective means whereby the payment can be revisited and reviewed twice annually or automatically indexed , to ensure that living standards and quality of life of the recipients are maintained.
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**Part 2 -
Eligible Service**

2. The VVAA recommends that the Veterans Entitlements Review committee propose that government:
 - (a) retain the definitions and application of warlike and non-warlike service;
 - (b) retain the eligibility rules as they relate to:
 - (i) membership of the ADF or being a civilian identified as eligible by the Minister;
 - (ii) being allotted for continuous full time duty for service within a defined operational area; and
 - (iii) Port-to-port provisions.
 - (c) preserve the link between warlike service and qualifying service for the purposes of entitlement to Service Pension;
 - (d) allocate eligibility in an equitable and consistent way;
 - (e) ensure that Australian Defence Force Operations are added to Schedule 2 or Schedule 3 in a timely fashion; and
 - (f) introduce a category of Hazardous Defence Service to attract the beneficial standard of proof.
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Summary, Continued

Part 3 - War

Widow(er)s

3. The VVAA recommends that the Veterans Entitlements Review committee propose that government:

- (a) adjust the war widow(er)s pension to 75% of the Special Rate of Pension while retaining all current entitlements and benefits, regardless of the rate received by the partner prior to death;
 - (b) continue eligibility to the Income Support Supplement, thus giving the war widow(er)s a minimum annual income of \$14,079 which, with the Income Support Supplement is raised to \$17,329.00 per annum.; and
 - (c) provide all war widow(er)s with entitlement to the DVA Concession Card, whether they are in receipt of the Income Support Supplement or not.
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Part 4 -

Partner's Gold Card

4. The VVAA recommends that the Veterans Entitlements Review committee propose that government amend the treatment principles within the Act to include the spouse/partner of those in receipt of the Special Rate of Pension and enable the extension of Gold Card entitlement to the spouse/partner.

Part 5 -

Veterans' Childrens Education Scheme

5. The VVAA recommends that the VCES be expanded to include the children of veterans whose disabilities are assessed at not less than 70% and who are in receipt of Service Pension or part Disability pension from CENTRELINK.

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SUMMARY OF RECOMMENDATIONS – VVAA SUBMISSION

Summary, Continued

Part 6 - Bereavement Payments and Funeral Benefits

6. The VVAA recommends that the Veterans Entitlements Review committee propose that government:
- (a) provide unpartnered veterans with the same income support bereavement benefits as partnered veterans;
 - (b) provide disability bereavement payment equal to 6 fortnightly payments to the estate of an unpartnered veteran;
 - (c) increase the funeral benefit in line with the Military Compensation and Rehabilitation (MCRS) scheme;
 - (d) discontinue the offsetting of funeral and bereavement benefits in the calculation of funeral benefits;
 - (e) provide the same funeral benefit for unpartnered and partnered veterans;
 - (f) introduce a mechanism whereby the funeral benefit keeps pace with increases in the cost of funerals.
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Part 7 - Disabled Descendants

7. The VVAA recommends that the Veterans Entitlements Review committee propose that government:
- (a) implement an assessment procedure to reinstate provision of medical treatment from DVA resources to those descendants of deceased veterans who would have been supported by their parents;
 - (b) provide an income support supplement, similar to that paid to war widows, for qualifying disabled descendants;
 - (c) establish criteria based on “reasonable hypothesis” that the medical condition or deformity claimed by the descendant is a direct result of the service of the parent; and
 - (d) should such condition be proven, provide for the descendant in the same manner as if the descendant were a veteran.
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Summary, Continued

Part 8 - Statements of Principle and Standards of Proof

8. The VVAA recommends that the Veterans Entitlements Review Committee acknowledge within its Report the historical changes to the standard of proof for veterans and assess the degree to which the beneficial nature of the legislation has been reduced.
9. The VVAA recommends that the Veterans Entitlements Review Committee document within its Report shortcomings in the practical use of SoP's and particularly the anomalies arising from such things as:
 - (a) the RMA's decision-making process outside the application of the VEA veteran standard of proof;
 - (b) a narrow interpretation of the wording in SoP's
 - (c) the practical difficulties associated with the employment of an objective test for the existence of a stressor for psychiatric disorder SoP's;
 - (d) failure to recognise the validity of single or less than mainstream medical opinion or limited medical/scientific research
10. The VVAA recommends that the Veterans Entitlements Review Committee propose that government:
 - (a) recognise and correct the erosion of the beneficial nature of the legislation governing veterans; in that
 - (i) there has been a steady erosion over time in the generosity of the Standard of Proof applicable to veterans; and that
 - (ii) Statements of Principle in particular represent a further reduction and restriction;
 - (iii) the practical use of the SoP system has lead to anomalies in decision making, disregard for the process of making claims and for review and has fostered the distrust of the veteran community.
 - (b) acknowledge and correct the significant detrimental effect upon the well being of some veterans caused in whole or in part by the application of the SoP's or the obtaining of particular expertise, given rise to by the extra evidentiary requirements.
11. The VVAA recommends that the Veterans Entitlements Review Committee:
 - (a) provide the Commonwealth Administrative Appeals Tribunal, as a significant and senior level decision maker in veteran's matters, with copies of relevant submissions and request its comments; and
 - (b) express real concern that a consensus arrived at from time to time by a chosen group of doctors is used to create a legal standard; thus turning a medical opinion into a rule of law.

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Summary, Continued

Part 9 - General Compensation Issues

12. The VVAA recommends that the Veterans' Entitlement Act Review Committee propose in its report that:
- (a) the term "pension" be replaced with "compensation" wherever appropriate within the Act;
 - (b) obesity be declared a disease in the same way as other conditions that result in overweight are diagnosed;
 - (c) stress be declared a condition that is manifested within other diagnosed conditions such as IHD, hypertension and psychiatric conditions;
 - (d) that a defined level of vision loss be used as a test for being "blind";
 - (e) veterans be permitted to flag existing conditions as unchanged and remove them from reassessment when submitting new claims; and
 - (f) that allowances be reviewed to achieve the results listed in this paper.
13. The VVAA recommends that the Veterans' Entitlement Act Review Committee consider in detail the anomalies created by the application of Sections 9, 23, 24, 25 and 28 of the Act.
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Part 10 - Vocational Rehabilitation for Veterans

14. The VVAA recommends that the Veterans' Entitlement Act Review Committee recommend within its report that the Department of Veterans' Affairs:
- (a) create a two-tier structure for Vocational Rehabilitation;
 - (b) implement the VVAA provisions for tier one veterans between the ages of 19 and 50; and
 - (c) extend the provisions of the over-50 tier two veterans to include training related to community work.
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