

Greg Niven

Barrister

Henry Parkes Chambers

Telephone: (02) 9267 7437

Facsimile: (02) 9264 6667

Email: gregniven@henryparkes.com.au

Postal address:

PO Box A2010

Sydney South NSW 1235

DX 423 Sydney

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Committee Secretary
Senate Foreign Affairs, Defence and Trade
PO Box 6100
PARLIAMENT HOUSE
CANBERRA ACT

Veterans Affairs Legislation Amendment (2015 Budget Measures) Bill 2015

I prepare this submission in response to the proposed amendments to MRCA appeals.

I feel that the proposed amendments obviously place unnecessary financial burdens on the injured so that access to justice is curtailed because legal representation is denied by reason of an inability to recover legal fees.

If after successfully litigating an appeal to the AAT a member of the armed forces is unable to recover legal fees (excluding rejection of reasonable offers) this amendment clearly aims to target the claimant by preventing access to justice ie the AAT or the Federal Court.

I for one could not speculatively spend my time in court on the basis that I would not only win the case but being unable to recover party/party costs including my fees in the context of the structure proposed.

Ethically the position legal representatives would be placed in is clearly untenable, balancing risk of payment for the legal service provided against the possibility costs of the successful claim being deducted from the claimants' successful outcome.

In my submission the proposed changes would be at odds with current costs provisions in the civilian community and would plainly place military personnel in a position of disadvantage and discrimination.

Yours faithfully,

GREG NIVEN