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**SUBMISSION TO THE AUSTRALIAN SENATE ENQUIRY INTO THE
ADOPTION OF A SINGLE APPEAL PATHWAY UNDER THE MILITARY
REHABILITATION AND COMPENSATION ACT 2004**

Reference: Veterans' Affairs Legislation Amendment (2015 Budget Measures) Bill 2015.

The Vietnam Veterans' Association of Australia (VVAA), and in particular the members involved in supporting their fellow veterans of all conflicts with advocacy services are disappointed in the reported objections to the proposed Single Pathway Appeals concept.

For many years the concept under the Veterans Entitlement Act 1986 has proved to be workable and beneficial to veterans and members of the ex-service community.

The dual appeals pathway adopted under the Military Rehabilitation and Compensation Act 2004 had a number of unforeseen consequences that were, in our opinion, not in the best interests of the individual, particularly in the compensation area.

As a practicing advocate myself I have seen consequences that have been distressing for the applicant and contributed, particularly in the area of mental health, to further deterioration of their medical conditions.

For example, a young serving soldier about to be discharged consulted me requesting that I act as his representative, he reported to me that he had been waiting for over six months to hear anything from his representative from a legal firm and had subsequently assessed his legal fee for service would be in the vicinity of \$10,000.00 per medical condition.

I was able to assist him in withdrawing from the agreement at a nominal cost and then being able to represent him to a successful conclusion of the case without cost to him and allowing him to retain his total compensation payments.

The VVAA considered, among other things, the following factors when deciding to support the single appeals pathway;

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"HONOUR THE DEAD.... But Fight Like Hell for the Living".

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1. Advocates appointed and accredited by an ex-service organisation reduce, or removes entirely, administrative costs to the applicant for initial claims and appeals which allows a maximum of compensation payments to be retained.
2. Representation by a volunteer ex-service man or women with personal service experience is considered by the VVAA and many others in the ex-service community to be of more benefit than representation by those outside the ex-service community.
3. Alternatively representation by a representative employed, and supervised, by an ex-service organisation is alternatively considered to be in the interests of the applicants.
4. An ex-service organisation appointed advocate can, and often does, support the client through the rehabilitation program that is a major component of the Military Rehabilitation and Compensation Act 2004 and, to my knowledge, this support is not provided through other agencies assisting with claims and appeals.
5. The Advocacy Training and Development Program recently adopted by the ex-service community will continue the process of training and supporting volunteer advocates into the future therefore continuing, and modernizing, the process that has served us well over the past years.

Comments have been made that the single appeals pathway will deny ex-service men and women a choice and will increase costs to individuals, the VVAA can see no evidence to support this assertion, it is our understanding that individuals can obtain any type of representation they choose and any costs incurred, as under the current system, are their choice.

Experience has shown me, that as a general rule, a volunteer advocate has little or no vested interest in prolonging a claims or appeals process, alternatively, a paid or professional advocate being paid for service and possibly a percentage of final compensation payment has a vested and financial interest in prolonging the case as long as possible and this has been seen to be to the disadvantage of the ex-service man or woman.

The VVAA strongly support the proposed single appeals pathway concept and request its adoption as soon as possible.

Yours sincerely

Ken Foster OAM JP
National President
11 September 2015



**KEN FOSTER OAM JP
NATIONAL PRESIDENT
VIETNAM VETERANS ASSOCIATION OF AUSTRALIA**

**MEDIA RELEASE
8 September 2015**

STREAMLINING VETERANS SINGLE APPEAL PATHWAY

As National President of the Vietnam Veterans Association of Australia I believe the members of the senate that blocked what has been seen by the ex-service community as a progressive step for veterans wellbeing have either been misled by vested interests or do not, in fact, support the best interests of veterans and serving men and women of the defence forces.

I would call on those members of the senate, and those in the labour party, with any reservations regarding the proposed changes to legislation to discuss the merits with those in the ex-service community that currently, on a voluntary basis, are serving their fellow veterans and those still serving as advocates.

As a practicing advocate I have no doubts in my mind of the benefits to individual servicemen and women of the proposed changes and look to a speedy adoption of a single appeal pathway as soon as possible

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