

Nathan Mark

13 September 2015

Committee Secretary

Senate Foreign Affairs, Defence and Trade Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Secretary,

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

It is noted that on 7 September 2015, schedule 2 of the Veterans' Affairs Legislation Amendment (2015 Budget Measures) Bill 2015 was referred to the Foreign Affairs, Defence and Trade Legislation Committee for inquiry and report by 25 September 2015. Despite the committee's claim that it 'is seeking to publicise its work as widely as possible', it is noted that the closing date for submissions is 14 September 2015. The submission herein is provided with haste to meet the peculiar and poorly disseminated deadline.

As a veteran, I have had extensive dealings with the Department of Veterans' Affairs ('the Department') and am personally appalled at the 'support and service' provided by the Department. The decision making processes within the Department lack transparency and any move to remove a veteran's entitlement to legal representation in favour of an 'advocate' is simply misguided. My personal experience has been that every 'advocate' I have sought advice from has been unable to assist me on account of their poor training and total lack of procedural awareness.

The Minister's attempt to 'sell' the new system as 'an independent appeal mechanism that does not require veterans to retain the services of a lawyer', is simply a mechanism designed to reduce the number of successful claims. It is clear that the proposed amendment is fundamentally designed to reign in the ever-increasing costs associated with veteran compensation claims. The number of veterans who fall under the jurisdiction of the *Military Rehabilitation and Compensation Act 2004* (Cth) ('the Act'), and who are making compensation claims following the recent conflicts in the Middle East is growing. It is not difficult to establish a causal link between the estimated costs of these claims and the Government's desire to reduce its exposure and thus expenditure on these claims.

It is disappointing to see that the dishonest dealings associated with the proposed legislative amendments. If the Government was truly seeking a transparent approach and open discourse in relation to this matter, there is little doubt the matter would be given the exposure required. Few, if

any veterans are aware of the proposed amendments and it appears that this is in the Government's best interests.

The fact is, the Department makes mistakes and it appears that in proposing the legislative amendments, the Government is in fact relying on these mistakes so reviews and appeals are less likely to be commenced on the layman advice of 'advocates'. The Committee would be well served in ensuring all principles of administrative law are considered as part of the review process. Further consideration should be given to the validity of the proposed law under a purposive power. The Committee should be compelled to investigate whether the law is in fact appropriate.

On face value, the proposed amendment appears to be disproportionate to the Minister's stated requirements, namely, giving clients of the Department covered by the Act 'access to the same appeal pathway as those clients who are covered under the *Veterans Entitlement Act 1986*, no more and no less'. An alternate legislative amendment could be to retain the current provisions and to simply provide another avenue that the veteran is able to select based on the inherent circumstances of their claim.

As indicated, this submission is made with haste to meet the mandated submission deadline. I am happy to elaborate on this simple submission if and as required.

Thank you for considering the submission herein.

Yours sincerely,

Nathan Mark