Question 001

Outcome: 2 Program: 2.5

Topic: Review of Departmental and Allied Health arrangements

(FADT Hansard Proof 21 October 2015, p 127)

Senator GALLACHER asked:

Senator GALLACHER: Can the department provide an outline of the anticipated steps involved in conducting this review? Can you give us a broad-brush view of what you are trying to do here? **Mr Lewis:** We might take it on notice, having regard to your preamble comments, Senator. But Sue is happy to take you through them now. So it is your choice.

Senator GALLACHER: For completeness, perhaps on notice, an outline of the anticipated steps would probably be a better way to do it.

Ms Campion: Sure.

Answer

The Department of Veterans' Affairs' (DVA) dental and allied health arrangements were last reviewed in 2006 and much has changed in relation to DVA's clients and health care since that time.

The purpose of the review of DVA's dental and allied health arrangement is to ensure that they continue to provide appropriate, high quality and effective services for DVA clients both now and into the future. The review will consider issues such as current trends in service utilisation, the changing demographics of DVA's clients, rules and guidelines in relation to the provision of services and fee levels.

The review will complement the review of the Medicare Benefits Schedule being undertaken by the Department of Health.

DVA will work with representatives of the providers of dental and allied health services and organisations that represent the interests of veterans throughout the review.

Question 002

Outcome: 2 Program: 2.5

Topic: Review of Departmental and Allied Health arrangements

(FADT Hansard Proof 21 October 2015, p 127)

Senator GALLACHER asked:

Senator GALLACHER: Thank you. How many DVA staff are engaged in the undertaking of this review?

Ms Campion: I would need to take that on notice.

Senator GALLACHER: Will the review be undertaken entirely by DVA staff or will some aspects of the review be contracted out to external parties?

Ms Campion: That is something we are still working through. I suspect some of it may well be contracted out.

Mr Lewis: As Ms Campion just mentioned, we will be doing the review in consultation with the Department of Health, so they will be involved.

Senator GALLACHER: Perhaps on notice, if external parties are involved, what aspects of the review would they undertake? How would you select them? What would be the cost of their services? Why can't the roles be filled by departmental staff?

Answer

The number of DVA staff that will work on the review will vary, however it is expected the total level of full time equivalent staff involved over the life of the review will be approximately five to seven.

DVA expects the majority of the review work will be undertaken by DVA staff, together with work that will be undertaken through working groups with representatives of the providers of dental and allied health services and organisations that represent the interests of veterans. Some components of the work may be contracted out where these require specialist skills that are not available within the Department.

Question 003

Outcome: DVA General Program: All

Topic: Memorandum of Understanding between Defence and DVA Cooperative Delivery of

Care and Support to Eligible Persons

(FADT Hansard Proof 21 October 2015, p 129)

Senator GALLACHER asked:

Senator GALLACHER: Can the department provide an update on the performance of the support continuum?

Mr Carmody: Certainly. I do not know whether I have enough detail on it now. I have to take it on notice.

Senator GALLACHER: And how that performance is evaluated?

Answer

Under the 2010 Support for Injured or Ill Project (SIIP), the Department of Defence (Defence) conducted an audit of the systems supporting injured and ill ADF members. The report recommended the development of a coordinated and integrated system of support that extends across both Defence and the Department of Veterans' Affairs (DVA). This coordinated and integrated system of support is now referred to as the Support Continuum.

The Support Continuum has been effective at promoting a broad understanding, within both Defence and DVA, of the accountabilities and key responsibilities, primary interrelationships and key information flows involved in the provision of effective care and support.

The Support Continuum has been particularly useful in current work being undertaken with Defence to improve information flows and to assist DVA to engage with wounded, injured and ill members as early as possible.

Schedule 19 to the Memorandum of Understanding between Defence and DVA for the Cooperative Delivery of Care and Support to Eligible Persons sets out a framework of performance metrics that underpins the joint management of the Support Continuum. Responsibility for managing the Support Continuum using the agreed metrics rests with the Defence DVA Links Steering Committee.

In general terms, the Support Continuum is performing well. Highlights include:

- No significant trends noted in the overview of incident data which provides a breakdown of incidents resulting in injury and their causes.
- DVA and Defence Single Access Mechanism teams working to improve timeframes for the return of records and information to DVA to assist with compensation claims, with performance being maintained around historic highs.
- No trends of note in Member Support data which shows the range of activities, users and referrals of the On Base Advisory Service.

Question 004

Outcome: DVA General Program: All

Topic: Overpayments

(Proof Hansard 21 October 2015 p.129-130)

Senator LAMBIE asked:

Senator LAMBIE: In the last estimates, I asked for something about maladministration. I got back that, apparently, within five years from July 2010 to 2015, DVA paid its clients just over \$35 billion in pensions. In the same period, debts were raised for nearly 105,000 clients. How many clients did you have on your books at that time?

Mr Lewis: At which time?

Senator LAMBIE: During that five year period. Is it about the 330,000 mark?

Mr Lewis: Obviously the number of clients will have changed over that period of time.

Senator LAMBIE: So, give or take, about 300,000 or 330,000.

Mr Carmody: About five years ago we had around 400,000 clients, and we probably have about 416.000 now.

Mr Lewis: If you want precise numbers, Senator, we would be happy to take that on notice and come back to you.

Senator LAMBIE: No, that is okay. I am just trying to bring things up. Nearly 25 per cent of those had maladministration or overpayments—that is what I am bringing up.

Mr Lewis: Overpayments do not mean maladministration—I just need to pause you right there.

Senator LAMBIE: I do not know that because I asked you if you could give me the exact number of maladministration through clients, but I never got that exact number. Can I please put that on notice, and I would like from the department—

Mr Lewis: Can I help you?

Senator LAMBIE: Sure, do you have the number?

Mr Lewis: There is a scheme for claims for defective administration—CDDA. We process a number of those every year, and, I am sorry, we should have given you answers as linked to CDDA because we have those numbers. I authorise those payments where we have had defective administration in the department and we can give you that detail.

Senator LAMBIE: Give me that detail, but I would also like to know how many claims there are of maladministration where you will not admit that it is maladministration. Can I have that number as well? Right now I am going to spend my time, if that is what it takes for ten minutes, reading you something, and then I would like to give you an option at the end of it:

Answer

Over the last five financial years, the Department of Veterans' Affairs (DVA) received 106 claims under the Compensation for Detriment caused by Defective Administration (CDDA). Of these, 39 were rejected with no compensation paid.

The overall number of CDDA claims represents just 0.024% when compared to the 40,000 compensation and rehabilitation decisions made per year and 50,000 income support decisions made per year.

Question 005

Outcome: DVA General Program: All

Topic: Overpayments

(FADT Hansard Proof 21 October 2015, p 131)

Senator LAMBIE asked:

Senator LAMBIE: I am very aware of how it goes. Ms Foreman, because I am one of the many thousands that you overpaid. I am very aware of how it goes. How long are you giving yourself? Do you have a time limit on when it is shut off, instead of approaching people two or three years later and letting them know you may have overpaid them? Do you have a time limit where you just say, 'Well, if we overpaid them we will just have to accept that and we will have to take the responsibility for that?

Mr Lewis: Just to clarify, is this in relation to the CDDA scheme? You are asking about whether there is a time limit in relation to the operation of the CDDA scheme?

Senator LAMBIE: Yes

Ms Spiers: There is no time limit for someone to put in a claim for defective administration, and in fact we have go details on our website about how to make a claim and there is a frequently asked questions there. It may assist if we supply a link to that site so that the Senate committee can become aware of that. We will receive claims for people where they might have only recently found out about something that happened some time ago and they wish to seek recovery of compensation for detriment. I also have the figures when you asked the question about maladministration, and Mr Lewis clarified that was in respect of CDDA. I have the figures year-to-date if you wish to know the claims received, those accepted and rejected and comparison for the two years. If you wish, I can read that into Hansard.

Senator LAMBIE: No. If you can just pass that over to me that would be good, because it takes up too much time...

Answer

Claims received by DVA under the 'Compensation for Detriment caused by Defective Administration' scheme

	1 July 2013 to 30 June 2014	1 July 2014 to 30 June 2015	1 July 2015 to 14 October 2015
Claims Received	18	18	7
Claims Accepted*	9	13	2
Claims Rejected*	7	11	1
Compensation paid**	\$ 299,572.96	\$ \$182,954.96	\$48,260.31

Notes:

^{*} Numbers for each year will not add up to the total received for that year, as some claims are processed, investigated and finalised in subsequent years.

^{**} Amounts may include both lump sum payments and ongoing payments.

Question 006

Outcome: DVA General Program: All Topic: Overpayments – staff discipline (Proof Hansard 21 October 2015 p.131)

Senator LAMBIE asked:

Senator LAMBIE: No. If you can just pass that over to me that would be good, because it takes up too much time. My next question is: when your officers make mistakes, are they disciplined? What happens to them?

Ms Spiers: It really depends. I can say that from firsthand knowledge because I do sign off on the reports that go to the secretary on CDDA claims. If we see that there is clearly a training and awareness issue—that the policy and procedures were in place and the staff member was not aware of them—then our recommendation that follows that is that the staff member involved should have some further training and acknowledgement. It would be a very extreme case where the staff member might have had the same error a number of times, and we might be looking at a conduct issue.

Senator LAMBIE: I would appreciate it if you could provide me with how many of your people in the last five years have been disciplined and what discipline they have received.

Ms Spiers: Can I just clarify that that is in relation to issues that have arisen around the CDDA? **Senator LAMBIE:** It is in relation to any mistakes that they have made of maladministration. I would like to know how many people have been disciplined in your department in the last five years and the reasons why they have been disciplined.

Ms Spiers: The majority of the action we would recommend would be further training and awareness, as a rule.

Answer

In the last five years, no departmental staff have been disciplined in relation to issues that have arisen in respect of Compensation for Detriment caused by Defective Administration (CDDA) claims.

Where the CDDA matter points to an issue, the Department will review business processes to identify ambiguities or inconsistencies. In these circumstances, efforts are made to clarify the processes. This may be done through the issuing of an individual direction or new or revised guidelines to staff. Where a gap in skills is identified, procedures might be modified and/or additional training provided depending on the remedy required.

Question 007

Outcome: DVA General Program: All Topic: Departmental Rebranding (Written Question on Notice)

Senator LUDWIG asked:

Has the department/Agency undergone a name change or any other form of rebranding since the leadership change in September, 2015? If so:

- a. Please detail why this name change / rebrand were considered necessary and a justified use of departmental funds?
 - i. Please provide a copy of any reports that were commissioned to study the benefits and costs associated with the rebranding.
- b. Please provide the total cost associated with this rebrand and then break down by amount spent replacing:
 - i. Signage.
 - ii. Stationery (please include details of existing stationery and how it was disposed of).
 - iii. Logos
 - iv. Consultancy
 - v. Any relevant IT changes.
 - vi. Office reconfiguration.
- c. How was the decision reached to rename and/or rebrand the department?
 - i. Who was involved in reaching this decision?
 - ii. Please provide a copy of any communication (including but not limited to emails, letters, memos, notes etc.) from within the department, or between the department and the government regarding the rename/rebranding.

Answer

No.

Question 008

Outcome: DVA General Program: All Topic: Departmental Rebranding (Written Question on Notice).

Senator LUDWIG asked:

- a. Following the changes does the department share any goods/services/accommodation with other departments?
- b. What resources/services does the department share with other departments; are there plans to cease sharing the sharing of these resources/services?
- c. What were the costs to the department prior to the Machinery of Government changes for these shared resources? What are the estimated costs after the ceasing of shared resource arrangements?

- a. There have been no changes to service schedules with other agencies.
- b.
- i. DVA shares the following services with other Departments through various Memorandums of Understanding and services schedules:
 - i. information access and sharing;
 - ii. data sharing and data exchange;
 - iii. ICT Infrastructure; and
 - iv. accommodation.
- ii. There are no plans for DVA to cease any of the sharing resource/service arrangements currently in place except the accommodation arrangement with PM&C which will cease on 30 June 2016 at the expiry of the DVA's lease on Lovett Tower.
- c. Not applicable DVA has not been affected by recent machinery of Government changes.

Question 009

Outcome: DVA General Program: All

Topic: Staffing – employment of non-Australian citizens

(Written Question on Notice)

Senator LUDWIG asked:

I refer you to section 22 (8) of the Public Service Act 1999 which says:

"An Agency Head must not engage, as an APS employee, a person who is not an Australian citizen, unless the Agency Head considers it appropriate to do so."

- 1. Does the department have guidelines or similar to assist Agency Heads to assess when it is appropriate to hire non-Australian citizens? If no, do individual agencies have their own guidelines? If yes to either:
 - a. Please provide a copy.
 - b. When did they come into effect?
 - c. Can Agency Heads decide to go against the advice? If yes, under what circumstances?
- 2. Are Agency Heads required to provide a reason to anyone for hiring non-Australian citizens? If yes:
 - a. Who are they required to report the reason to?
 - b. Does this reporting happen before or after the hire has been made?
 - c. Is this reason provided in writing? If no, how is it provided?
 - d. Can you please provide a list of reasons that have been used since the Federal election in September, 2013.
- 3. Are there any provisions to over-rule a Head of Agency's decision to hire a non-Australian citizen? If yes:
 - a. Who can over-rule this decision?
 - b. Under what circumstances can it be over-ruled?
 - c. How many times has this occurred since the Federal election in September, 2013.

- 1. It is a requirement for employment with the Department of Veterans' Affairs that potential employees are Australian citizens.
- a c. Not applicable.
- 2. Not applicable.
- 3. Not applicable.

Question 010

Outcome: DVA General Program: All

Topic: Ministerial Staffing (Written Question on Notice)

Senator LUDWIG asked:

Since the leadership change in September, 2015:

- a. Has there been any change to the staffing profile of the Minister's office?
- b. Provide a list of changes to staffing numbers, broken down by classification level, and role.
- c. Please provide a breakdown of any redundancies that have been paid to staff who left the Minister's office since the change in leadership.
- d. Please provide the total cost of Ministerial staff salaries in the office from before the change.
- e. Please provide the total cost of Ministerial staff salaries in the office as of now.
- f. Were any staff hired for the office since the change, but have subsequently left in the time between then and now? If yes, how many? How long did each stay? What was their role?

Answer

a. to f. Matters relating to Ministerial staffing should be referred to the Special Minister of State.

Question 011

Outcome: DVA General Program: All Topic: Ministerial Personalised Stationery

(Written Question on Notice)

Senator LUDWIG asked:

Since the leadership change in September, 2015, how much has been spent by the Ministerial office on personalised stationery for the Minister and the Minister's staff? Please provide a cost breakdown by type of stationery purchased and the quantity of each and whether it was for the Minister or for staff.

Answer

Nil.

Question 012

Outcome: DVA General Program: All

Topic: Memorandum of Understanding between Defence and DVA and the relationship

between DVA and Defence. (Written Question on Notice)

Senator GALLACHER asked:

Is there a requirement for the MoU to be periodically and formally reviewed by both departments?

- a. Has this occurred since it was signed?
- b. When does the Department expect such as review to take place?
- c. Will the outcome of that review be made public?

Answer

Yes. There is a requirement for The Memorandum of Understanding (MOU) between the Department of Defence and the Department of Veterans' Affairs for the Cooperative Delivery of Care and Support to Eligible Persons to be reviewed once every two years after commencement. The MOU commenced on 5 February 2013 and the current revised version was signed on 23 November 2013.

- a. Yes, a review of the MOU is underway.
- b. Refer to a.
- c. Yes.

Question 013

Outcome: DVA General Program: N/A

Topic: Memorandum of Understanding between Defence and DVA and the relationship

between Defence and DVA (Written Question on Notice)

Senator GALLACHER asked:

I understand one key goal of the MoU is to improve the handover from Defence to DVA for eligible members separating on medical grounds –

Can the Department provide details as to the number of ADF members separating on medical grounds that have liability determined before discharge?

If yes -

- a. What percentage of members separating on medical grounds does this represent?
- b. Does this represent an improvement compared to before the implementation of the MoU?

If no -

a. How does the Department judge performance against this objective?

Answer

The handover from Defence to the Department of Veterans' Affairs (DVA) of members separating on medical grounds requires a holistic approach. Having liability determined prior to separation can be an important aspect of this. DVA provides Defence with copies of all claims and determinations of claims for serving members, allowing Defence to check whether claims have been made for a condition before separation. DVA's ICT systems are not currently able to provide data on liability acceptance prior to separation.

Work is progressing on improving the transition of rehabilitation and other healthcare arrangements from Defence to DVA. DVA is working closely with Defence on developing an Early Engagement Model which will contain evidence- and event-based triggers for sharing information. The Early Engagement Model will provide DVA with information about members from the time they join the ADF, through transition and beyond using improved connectivity with Defence. It will assist with the handover from Defence to DVA for eligible members separating on medical grounds by having relevant information available when it is needed.

Question 014

Outcome: DVA General Program: All

Topic: Memorandum of Understanding between Defence and DVA and the relationship

between Defence and DVA (Written Question on Notice)

Senator GALLACHER asked:

I understand that the Department has been working with Defence to encourage personnel to lodge claims closer to the time when the injury occurred, have these efforts been successful?

If yes –

- a. What is the average time between when an injury occurs and when assessment and liability determination takes place?
- b. How does this compare to before the implementation of the MoU?

If no -

- c. Why do you think there has been no improvement?
- d. What strategies have been put in place to resolve this?

- a), b), and c) Details regarding the average time taken to claim (TTTC) can be found in the Review of Military Compensation Arrangements Report (extract at Attachment A).
- d) Strategies to improve TTTC include the continued messaging to ADF members about the benefits of early submission of claims and DVA engagement with members as close as possible to the time of incident work being progressed through the development of the Early Engagement Model.

Attachment A: Extract from Review of Military Compensation Arrangements Report

Lag time from injury to claim

16.26 The Committee noted that the average time from injury to a Comcare claim is approximately 110 days, compared to the combined MRCA and SRCA average of 16 years and median of 12 years. This is the major factor behind the difference in TTTP between Comcare and DVA. The delay between injury and claim is known as lag time, and is not a statistic that has been monitored on a regular basis. The following table shows the average lag time under the MRCA only. As would be expected, the average MRCA lag is increasing with the time since commencement of the legislation, and is well below the average and median for the total of SRCA and MRCA claims.

Table 16.1 MRCA permanent impairment compensation claim lag times				
Average number of days from date of injury to claim				
2005–06	2006–07	2007–08	2008–09	2009–10
380	549	700	853	904

16.27 There are several reasons why it is in the interests of civilians under the SRCA to lodge early liability and compensation claims, compared to full-time ADF members:

- civilians injured in the workplace are often in immediate need of assistance with medical expenses. Medicare
 and private health funds do not cover compensable cases. ADF members continue to be treated at ADF
 expense, whether or not an injury or disease is compensable; and
- incapacity payments may be needed by civilians who run out of sick leave, whereas full-time ADF members
 remain on full pay until discharge. Full-time ADF members only apply for incapacity payments where they
 lose allowances following injuries from a service-related incident.

16.28 There is also a cultural background to the longer lag times for ADF members. Many members believe that revealing an injury will affect their career in some way. For example, a member may be concerned that their medical classification could be downgraded, thus affecting their prospects for deployment or promotion, or their ability to stay in their current or preferred roles or locations. In some cases, a member may go to the extent of seeking treatment outside the ADF, at their own expense. This can mean a condition may remain unnoticed by the ADF, creating risk to the individual and their colleagues.

16.29 The MRCA introduced the requirement for the MRCC to provide the ADF with the outcome of claims from serving members. This is regarded as good policy for workforce and safety management.

16.30 Defence has advised that current serving members are given greater encouragement to report incidents and to lodge claims for compensation during their career, rather than at discharge. Reducing the time lag would be better practice for workplace safety management purposes; it would also result in more timely provision of evidence supporting a compensation claim.

16.31 The Committee believes that the MRCC should establish a KPI to measure the time lag between the injury and the report or claim. This should be reported annually by Defence to monitor the effectiveness of efforts to reduce the time lag.

Question 015

Outcome: DVA General Program: N/A

Topic: Memorandum of Understanding between Defence and DVA and the relationship

between Defence and DVA (Written Question on Notice)

Senator GALLACHER asked:

I understand that unless a member opts out Defence notifies the DVA when personnel transition out of the military and contact them to make them aware of services, is that correct?

- a. What percentage of transitioning members opt out of having their personal details provided to DVA?
- b. Has there been an increase in the number of transitioning personnel who agree to have their details provided to the DVA?
- c. Is there a follow up process if a member does not require anything from the Department immediately?

- a. The opt out rate is approximately 11 per cent.
- b. Yes. DVA and the Defence Community Organisation continue to work together to identify ways of further reducing the number of members opting out.
- c. All transitioning members, whether or not they opt out of having their details provided to DVA, receive a letter from the Secretary of DVA, providing information about services and support. Whilst there is no formal follow up process post discharge (except for the Secretary of DVA's letter), options for further follow up contact post discharge are being considered by DVA as part of the development of the Early Engagement Model.

Question 016

Outcome: DVA General Program: N/A

Topic: Privacy Breaches / Administrative Errors

(Written Question on Notice)

Senator GALLACHER asked:

- a. The hearings ended discussion whether applications and claims are stored in hardcopy form or electronically, so what determines how a particular document or file is stored?
- b. I imagine that there are instances where a client's file, claim or application needs to be accessed by different sections of the department, sometimes in a different state to where it is received
 - i. when this occurs can DVA staff access these documents electronically or are hardcopy files physically moves around?
 - ii. what determines whether a file/document is physically sent to a different DVA office location and when it is made available electronically?

- a. The format of the document or file determines how it will be stored. The majority of DVA file holdings are hard copy, however, in line with the Government's Digital Transition Policy, DVA is working towards digital records and information management.
- b. (i) If the documents required are in an electronic format, staff will be able to access them electronically. If they are in hardcopy, then they can be transferred from one DVA location to another.
 - (ii) Generally, the format of the document or file determines whether it is physically transferred in a departmental file from one DVA location to another or available electronically.

Question 017

Outcome: DVA General Program: N/A Topic: Lost or misplaced information (Written Question on Notice)

Senator GALLACHER asked:

a. Have there been any instances where client files, claim or related documents have been lost or misplaced?

If yes -

- i. How often does this occur?
- ii. Have you found these instances to be a result of human or system error?

What is the process when a file, claim or document is lost or misplaced?

- a. Is there an attempt to locate the lost documents?
- b. Is the client given additional support to recomplete/resubmit required documents?
- c. Is the processing of that claim/application given priority if the loss or misplacement of the file has resulted in delay?

a.	(i) There were no reported instances of lost client files during the 2014-2015 financial year or	the
	2015-2016 year to date.	

(ii) N/A		

- a. Yes. This is the responsibility of the relevant internal business area.
- b. Business areas determine how to manage the claim/application process on a case-by-case basis. The affected client's interests are a key focus of rectification action. This may involve providing a client with additional support to recomplete/resubmit required documents if this is appropriate in the circumstances.
- c. This is also determined on a case-by-case basis with a focus on what best supports the interests of the affected client.

Question 018

Outcome: DVA General Program: All

Topic: File mix ups

(Written Question on Notice)

Senator GALLACHER asked:

Have there been any instances where client files have been mixed up with another client's during the processing of claims and applications or when information is disclosed for a permitted purpose (i.e.: to facilitate treatment)?

If yes -

- a. How often does this occur?
- b. Have you found these instances to be a result of human or system error?
- c. What kind of impact does this have on the processing of claims and the veterans wellbeing?

Answer

Yes

- a. In a small number of instances (31 in 2014/15), client documents are misdirected by mail, resulting in an unlawful disclosure of personal information. This can occur for various reasons, including where staff error results in the mixing or misplacing of documents or client files. The Department of Veterans' Affairs (DVA) has procedures in place to avoid or minimise instances of this nature. When detected, filing errors are rectified immediately to avoid any unlawful disclosure.
- b. Generally, these instances are the result of human error. For example, staff inadvertently mixing printed documents or where correspondence is sent to an incorrect address, and the unintended recipient opens the mail article. In addition, DVA's contracted mailing house can occasionally incorrectly process letters where a first page of one addressee is attached to the second page(s) of another addressee. In some instances, misdirected mail does not necessarily result in erroneous disclosure of information. For example, letters which are returned to DVA unopened, do not result in a breach of privacy, as client information has not been shared.
- c. The impact on claims processing would vary from case-to-case, depending on how quickly the documents are recovered by DVA. When misfiling results in a privacy breach, DVA undertakes to advise clients to avoid or mitigate harm. Usually clients are keen to know when and where information has been released and DVA's efforts to recover the material. Where appropriate, DVA may provide additional support or advice to enable the person to rectify any inconvenience or consequence of the breach.

Question 019

Outcome: DVA General Program: All

Topic: Online Services (Written Question on Notice)

Senator GALLACHER asked:

- a. I understand that DVA have made investments in its online capacity for clients.
 - i. Can the Department explain the purpose of providing services online?
 - ii. Have the current online services met this purpose/expectations?
 - iii. Can the Department identify areas of its current online services which require improvement?
- b. On average how many people access the Entitlement Self-Assessment Tool (per month)?

Answer

a.

- i. To improve service delivery by providing a digital channel for the delivery of client services online.
- ii. Yes. The Department of Veterans' Affairs (DVA) has delivered a mature online services framework and has also been an early adopter and advocate for leveraging Whole-of-Government technologies such as MyGov and Australian Business Registration.
- iii. DVA is continuing to improve workflow processes to support end-to-end processing.
- b. There are an average of 1,622 clients accessing the Entitlement Self-Assessment Tool tool per month.

Question 020

Outcome: 1& 2 Program: 1.1; 1.2; 1.3; 1.6; 2.1; 2.5; 2.6

Topic: Online services (Written Question on Notice)

Senator GALLACHER asked:

How many veterans have registered for My Account?

- a. What percentage of DVA clients does this represent?
- b. Can the Department provide a breakdown of the demographics of DVA clients who have registered with My Account?
- c. Can the Department provide information around which features of My Account are the most frequently used/which are least frequently used?

Answer

As at 30 June 2015, there were approximately 39,000 registered MyAccount clients (includes veterans and dependants).

- a. As at 30 June 2015, the approximately 39,000 registered MyAccount clients represented 12.3 per cent of DVA clients.
- b. 80 per cent of registered MyAccount clients are male and 20 per cent are female. Overall, 18 per cent are less than 50 years old; 72 per cent are between the ages of 50 and 79 years; and 10 per cent are over 80 years old.
- c. The most frequently used features of MyAccount based on volume of transactions are: travel reimbursements and bookings; request for verification letters (statement of pension, statement of income and assets); and change of contact details. The least frequently used features of MyAccount are: card replacement and notification of overseas travel.

Question 021

Outcome: 1 Program: 1.1, 1.2, 1.3, and 1.6

Topic: Online services (Written Question on Notice)

Senator GALLACHER asked:

Does the Department expect overpayments resulting from the non-notification of changing personal or financial circumstances within prescribed periods to reduce as a result of features on My Account?

If no -

a. why not?

If yes -

- b. Will this form part of any evaluation of the efficacy of My Account?
- c. Has the Department completed any modelling that shows a likely reduction in overpayments?

Answer

No.

a. MyAccount has features to allow notification of changes to personal and financial circumstances. Although the provision of an online channel for notifications may encourage a client who would otherwise not have notified of changes in their circumstances to report those changes, any resulting reduction in the incidence of overpayments would be negligible.

Question 022

Outcome: 1 Program: 1.1, 1.2, 1.3 and 1.6

Topic: Online services (Written Question on Notice)

Senator GALLACHER asked:

How many people have utilised the online claims and applications tool since its introduction?

- a. How does this compare to alternative forms of claims and applications?
- b. Is it possible for the Department to provide a breakdown of the demographics of those who have utilised the online claims and applications tool?
- c. Can the Department provide a breakdown of which online claims have been the most frequently used/least frequently used?
- d. Has the use of online claims and applications had a positive impact on claims processing times? How?
- e. Have there been any instances of system error which have affected the processing of a claim? How was that dealt with?

Answer

As at 30 June 2015, 571 clients utilised online compensation claims.

- a. Online claims represent 18 per cent of all compensation claims lodged in 2014-15.
- b. 88 per cent of online compensation claims were received from male clients and 12 per cent were from female clients. Overall, 62 per cent were aged under 50 years old; 37 per cent were between the ages of 50 and 79 years and 1 per cent were over 80 years old.
- c. The most frequently used online compensation claim forms under Outcome 1 were the *Online Single Claim Form for Compensation* and *Claim for Liability under the Military Rehabilitation and Compensation Act 2004*. The least frequently used online compensation claim forms under Outcome 1 were *Partner Service Pension* and *Income Support Supplement*.
- d. The Department of Veterans' Affairs is unable to determine if the use of online claims lodgement has had a positive impact on claims processing times as time taken to process data does not yet distinguish between online and manual lodgement. However, there are advantages for the client in lodging a compensation claim online. For example, the client can receive support through the use of prompts, reminders and instructions that are built into the system. They receive immediate lodgement and receipt acknowledgment of the claim, and can track the progress of the claim.
- e. There are no known significant systems errors which have affected the lodgement or processing of a claim.

Question 023

Outcome: DVA General Program: All

Topic: Social Media

(Written Question on Notice)

Senator GALLACHER asked:

What is the size of the DVA Facebook community?

- a. On average how many private messages are received by the DVA Facebook page? How are these dealt with (i.e.: forwarded to appropriate section?)
- b. How often does DVA post new content to the page?
- c. What is the reach of posts shared on the DVA Facebook page?

Answer

The Department of Veterans' Affairs (DVA) maintains two Facebook pages, the DVAAus page for information about DVA's programs and entitlements and the Anzac Centenary page that focuses on information about the Centenary of Anzac and Commemorative information.

As at 3 November 2015, the DVAAus page had approximately 22,600 'Likes' and the Anzac Centenary page had approximately 11,300 'Likes'.

- a. In an average week, DVA receives three to five private Facebook messages. Enquiries are forwarded for assessment by the appropriate business area and a response is provided via Facebook or by phone call depending on the topic and complexity of the enquiry.
- b. New content is posted most business days on both Facebook pages. DVA also shares posts from veteran organisations such as Legacy, the Australian Defence Force or the Australian War Memorial.
- c. According to Facebook statistics, the average reach of posts in October 2015 on the DVAAus Facebook page was 10,051. It is not unusual for the most popular posts each month to reach from 30,000 to 50,000 Facebook users.

According to Facebook statistics, the average reach of posts in October 2015 on the Anzac Centenary Facebook page was 17,261. It is not unusual for the most popular posts each month to reach from 30,000 to 50,000 Facebook users.

Posts around significant events or anniversaries can occasionally reach ever larger numbers of Facebook users. Recently, a post about Vietnam Veterans' Day on the Anzac Centenary page reached over 480,000 Facebook users.

Question 024

Outcome: DVA General Program: All

Topic: Social Media

(Written Question on Notice)

Senator GALLACHER asked:

How many people are employed to run/monitor the DVA Facebook page?

- a. Is the page monitored solely during business hours?
- b. Are those who monitor the Facebook page DVA staff or contractors? If they are contractors
 - a. What training do they receive?
 - b. How much does this cost?

Answer

Social media management of the DVAAus and Anzac Centenary Facebook pages is undertaken by one full time equivalent staff member and through a contracted service provider after hours.

- a. No, the page is monitored during business hours and after hours.
- b. During business hours, Department of Veterans' Affairs (DVA) staff monitor DVA's Facebook pages. After hours monitoring is undertaken by On The Line Pty Ltd.
 - a. On The Line staff are qualified counsellors. On The Line work closely with the Department around monitoring practices.
 - b. The monitoring of DVA's Facebook pages is provided as part of a contract that the Commonwealth has with On The Line. This contract covers a range of services and details of this contract can be found on Austender.

Question 025

Outcome: 2 Program: 2.5 Topic: Social Media

(Written Question on Notice)

Senator GALLACHER asked:

What is the size of the VVCS Facebook community?

- a. On average how many private messages are received by the VVCS Facebook page? How are these dealt with (i.e. forwarded to appropriate section?)
- b. How often does VVCS post new content to the page?
- c. What is the reach of posts shared on the VVCS Facebook page?

Answer

As at 5 November 2015, the VVCS Facebook community has 4,319 members.

- a. The VVCS Facebook Page currently receives an average of five private messages a month. The content of a private message dictates its management and may result in warm transfer with client consent to a VVCS centre for direct support or information provision.
- b. VVCS generally posts content to the VVCS Facebook Page every second day. This increases during ex-service community commemorative event periods.
- c. Post reach varies depending on 'shares' and 'likes' by members of the VVCS Facebook community and other pages that follow the VVCS Facebook Page. In its first year of operation, posts reached over a million people increasing awareness of the VVCS 24 hour support number 1800 011 046.

Question 026

Outcome: 2 Program: 2.5 Topic: Social Media

(Written Question on Notice)

Senator GALLACHER asked:

How many people are employed to run/monitor the VVCS Facebook page?

- a. Is the page only monitored during business hours?
- b. Are those who run/monitor the page DVA staff or is the function contracted out?

If contracted –

- c. What training do these people have?
- d. Do they have experience working in mental health?
- e. How much does this cost?

Answer

Social media management of the Veterans and Veterans Families Counselling Service (VVCS) Facebook page is undertaken by half of a full time equivalent staff member and through a contracted service provider after hours.

- a. No, the page is monitored during business hours and after hours.
- b. During business hours, VVCS staff monitor the page. After hours monitoring is undertaken by On The Line Pty Ltd.
- c. On The Line staff are qualified counsellors. On The Line work closely with the Department of Veterans' Affairs around monitoring practices.
- d. Yes.
- e. The monitoring of VVCS Facebook page is provided as part of a contract that the Commonwealth has with On The Line. This contract covers a range of services and details of this contract can be found on Austender.

Question 027

Outcome: DVA General Program: All

Topic: Social Media

(Written Question on Notice)

Senator GALLACHER asked:

Does the DVA have a strategy for improved outreach for DVA and VVCS through social media?

a. How does the DVA evaluate the efficacy and outreach of their social media communications?

Answer

The Department of Veterans' Affairs (DVA) has an ongoing program of development of social media content designed to engage with the veteran community, ex service organisations and the general public. This program includes content on mental health, pensions & payments, online services, Anzac Centenary & commemorations and other topics of interest to the veteran and defence community.

Veterans and Veterans Families Counselling Service (VVCS) on Facebook, like VVCS counselling and other services, maintains a separation from DVA. This includes on social media. VVCS regularly examines its social media presence to better understand how people engage through social media and how it can better engage with those who have an interest in, or need support from, VVCS.

Both DVA and the VVCS have established strategic partnerships with the ADF Facebook page managers, other Defence and veteran related government and non-government organisations to enable sharing of social media messages and information.

a. Both DVA and the VVCS evaluate data generated by Facebook on the efficacy and outreach achieved by both individual posts and posts that are part of a campaign, e.g., mental health mobile phone app promotion. This evaluation includes both quantitative measures, such measuring the number of views and 'likes' a post receives as well as qualitative analysis, such as reviewing comments made to identify issues and the audience understanding of the post.

This data and analysis is used to improve future posts and campaigns to ensure they effectively communicate key messages to veteran and general community audiences.

Question 028

Outcome: 3 Program: 3.1

Topic: Restoration of trench in Mont Saint-Quentin

(Written Question on Notice)

Senator GALLACHER asked:

- 1. In 2010 an intention to restore remnants of an original communication trench captured by Australians during the attack on Mont Saint-Quentin was announced, what was the purpose of that restoration?
- 2. The section of land has been leased with the support of the Australian Government, is that correct?
- 3. Has there been any excavation or surveying of the site since that time? Can details be provided?
- 4. Was the intention that Australia would support the restoration of the trench through the provision of funding?
 - a) How much was the restoration expected to cost?
 - b) Was funding expected to come out of the \$10 million provided for the Australian Remembrance Trail in France and Belgium?

- 1. The purpose of the restoration was to establish a new attraction and increase visitation to this historic Australian battlefield as part of the Australian Remembrance Trail along the Western Front.
- 2. Yes. A section of land was previously leased from a local farmer by the *Historial de la Grand Guerre*, a major Museum located in nearby Péronne.
- 3. Yes. In late 2011 the Centre for Battlefield Archaeology at the University of Glasgow was engaged to undertake archaeological investigations of remnant German trenches at Mont St Quentin wood.
- 4. The survey found nothing of significance to justify proceeding with restoration of the German trenches.
 - a) The cost was never quantified.
 - b) Yes.

Question 029

Outcome: 3 Program: 3.1

Topic: Restoration of trench in Mont Saint-Quentin

(Written Question on Notice)

Senator GALLACHER asked:

Is it still the intention that the trench will be restored/and Australia will provide the funding for that restoration?

If not –

- a. Why was the decision made to withdraw funding?
- b. Are the funds being spent on alternative projects?
- c. Which ones? Why were they considered a higher priority?

If yes -

- a. When is it expected that the restoration will take place?
- b. Will Australia be providing the funding?
- c. How much is it expected to cost?

Answer

No.

- a. The project owner, the Historial de la Grande Guerre, and the Department of Veterans' Affairs (DVA) agreed that there was little value in proceeding with the restoration.
- b. Yes.
- c. A walking trail around Mont St Quentin and a new Australian gallery in the Historial de la Grande Guerre. The Historial de la Grande Guerre and DVA agreed that the walking trail had more interpretive value and was therefore a higher priority than the trench.

Question 030

Outcome: 2 Program: 2.5

Topic: Data collection/identifying veterans

(Written Question on Notice)

Senator GALLACHER asked:

In previous estimates and other formats the Department has indicated that they can only be aware of the issues facing those veterans who are clients which can be as little as 1 in 6 former serving personnel.

Particularly in the area of homelessness it has become clear that a comprehensive data collection system is lacking.

South Australia is currently undertaking a project to improve and consolidate data collection on veterans as a means of identifying priorities and requirements of the veterans' community.

In an answer to questions on notice for Additional Estimates in February of this year the Department stated that it 'does work closely with other government and non-government organisations agencies in identifying and assisting members of the veterans community at risk of homelessness' –

- a. Can the Department provide details of the programs or processors by which this is achieved?
 - i. Is the inclusion of a question about a person's service history on intake forms or in intake interviews encouraged as a way to identify veterans?
 - ii. Which agencies or organisations does the Department work with?
 - iii. How are these agencies or organisations identified?
- b. Does the DVA receive or collect information in relation to ex service personnel presenting to any other federal, state or territory agencies? (ie: Does the Department of Human Services identify persons who have served in the ADF and notify DVA)

Answer

a.i-ii. Some homeless service providers seek to identify a person's service history when they access services and support. However, practices across service providers are variable and inconsistent. Through interactions with peak bodies, service providers and organisations such as the Australian Institute of Health and Welfare (AIHW), the Department of Veterans' Affairs (DVA) is working to ensure that the identification of homeless former serving members of the Australian Defence Force (ADF) by homelessness service providers is consistent and accurate.

DVA is currently working to identify a more accurate estimate of homelessness amongst former serving members of the ADF. This includes working with homelessness service providers and appropriate peak bodies, the Department of Social Services (DSS), and AIHW.

If a former member of the ADF who is homeless or at risk of homelessness comes to DVA's notice, DVA staff will undertake the following actions with the individual's permission:

- a) referral to local homelessness agencies to assist with an immediate accommodation solution;
- b) referral to the Department of Human Services (DHS) to assess potential for benefits;
- c) referral to the Veterans and Veterans Families Counselling Service and/or to local ex-service organisations (ESOs).

Additionally, DVA works with services such as Homes for Heroes, run by RSL Lifecare at Narrabeen in Sydney, and other housing support services run by ESOs. Local DVA offices work closely with these organisations to ensure clients are accessing DVA entitlements.

iii. On 2 July 2015, the Secretary of DVA wrote to 112 ESOs seeking information about any services provided to support former members of the ADF who are homeless or at risk. This information about ESOs is published on the 'Homelessness' page on the DVA website.

The Secretary has also written through Homelessness Australia to homelessness service providers in Australia, to advise of the services and support DVA can provide to entitled former members of the ADF. In addition, Deputy Commissioners in each state and territory have written to local ESOs to connect our services for homeless and at risk of homelessness.

b. Although DVA participates in programs to match income, identity and payment data it holds with other government agencies, including DHS, it does not receive or collect information on approaches to other agencies by former members of the ADF.

However, it is possible for DVA to receive or share information with other agencies on a specific client on a case-by-case basis, depending on the particular circumstances and in accordance with the *Privacy Act 1988*.

Question 031

Outcome: 1 and 2 Program: 1.1, 1.2 and 1.3

Topic: Projections and costs (Written Question on Notice)

Senator GALLACHER asked:

- a. DVA population projections suggest that the overall number of DVA clients is expected to decline significantly out to 2030
 - i. Are income support and compensation payments expected to decrease in line with these population projections?
 - ii. Can the Department provide numbers?
 - iii. Which beneficiary categories are expected to experience the greatest decline?
- b. Is DVA expecting to see an increase or decrease in the number of veterans receiving income support and compensation payments under the MRCA out to 2030?
 - i. Can the Department provide numbers?
 - ii. How much is this expected to cost?

Answer

- a.
- i. Yes.
- ii. The Department of Veterans' Affairs (DVA) 2015-16 Portfolio Budget Statements (PBS) include forward estimates through to 2018-19. DVA does not prepare financial estimates beyond the budget period.
- iii. Decline of DVA Clients

	<u>2015</u>	2030	% Change
All Clients	316,571	186,000	-41%
All Income Support Veterans	204,180	87,700	-57%
All Disability Compensation Veterans	171,874	84,800	-51%

Individual categories with largest decline

	2015	2030	% Change
War Widows	75,536	20,000	-74%
Service Pension Veterans	66,016	24,900	-62%

- b. DVA is expecting to see an increase in the number of veterans receiving benefits under the MRCA.
 - i. <u>Increase of MRCA veterans</u>

	<u>2015</u>	2030	% Change
MRCA Veterans	19,561	34,500	76%

ii. DVA's 2014-15 Annual Report highlights an increase in the provision for military compensation under the *Safety, Rehabilitation and Compensation Act 1988* (SRCA) and the *Military Rehabilitation and Compensation Act 2004* (MRCA) across Outcomes 1 and 2. As at 30 June 2015, the Military Compensation Provision is projected to be \$7.4 billion (Note 1.23 to the 2014-15 Financial Statements refers).

Question 032

Outcome: 2 Program: 2.5 Topic: Health Cards

(Written Question on Notice)

Senator GALLACHER asked:

- a. Does the Department expect the number of Gold, White and Orange Health Card holders to decline in line with population projections?
- b. Does the Department expect spending on health and support services to decrease in line with the decline in the beneficiary population?

If not –

- i. Under which programs do you expect to see the greatest increase in demand for related services?
- ii. Are there any programs that you expect will see a fall in demand for related services? Which ones?

Answer

a. and b. It is expected that the number of card holders will decline as the Department of Veterans' Affairs' total client population declines and that there will also be a related reduction in overall health expenditure. However, this relationship is not linear, as many younger veterans have quite complex health care needs, health care and related technology are contributing to longer life expectancy, and the costs associated with end-of-life care are high.

Question 033

Outcome: DVA General Program: All

Topic: Staffing

(Written Question on Notice)

Senator GALLACHER asked:

How many staff does the DVA currently employ?

- a. How many of these are ongoing and how many are non-ongoing positions?
- b. Can the Department provide a breakdown of staff by pay level?

Answer

As at 31 October 2015, the Department of Veterans' Affairs (DVA) has 1,912 employees.

- a. Of these, 1,841 are ongoing employees and 71 are non-ongoing employees.
- b. Table 1 below outlines the number of staff at each pay level.

Table 1: Number of staff by classification as at 31 October 2015

APS Classification	No. of staff
Advocate	6
APS1	11
APS2	53
APS3	226
APS4	203
APS5	466
APS6	405
EL1	276
EL2	103
APS6 VVCS Professional	68
EL1 VVCS Professional	9
EL2 VVCS Professional	6
Graduates	16
Legal Officer 1	13
Legal Officer 2	3
Medical Officer 3	1
Medical Officer 4	1
Public Affairs Officer 1	3
Public Affairs Officer 2	3
Public Affairs Officer 3	5
Senior Public Affairs Officer	2
SES1	18
SES2	9
SES3	1
Statutory Office Holder	5
Grand Total	1,912

Question 034

Outcome: DVA General Program: All

Topic: Staffing

(Written Question on Notice)

Senator GALLACHER asked:

Are the Department's staffing requirements (ie: the number of staff required) expected to remain at the same level or decrease in line with the beneficiary population?

If yes -

- a. Why is that the case?
- b. Will the decline of the beneficiary population combined with the increasingly complex needs of an aging veterans' population require a restructuring in the way staff are allocated between different business sections of DVA? Can details be provided?

If no -

- a. How many fewer staff will DVA require?
- b. What sections of DVA will those reductions in staff likely come from?
- c. Will these be junior or more senior management positions?
- d. What does this mean in terms of staffing costs?

Answer

The Department of Veterans' Affairs' (DVA) staffing numbers and client population are not directly linked.

DVA administers a range of services and entitlements to differing groups of eligible clients. Contemporary clients often have more complex needs which require different levels of support.

DVA continually assesses and adjusts its staffing requirements and staffing profile to meet business priorities whilst operating within budget constraints.

Question 035

Outcome: DVA General Program: All

Topic: Expansion of Online services - Staffing

(Written Question on Notice)

Senator GALLACHER asked:

Does the Department expect the expansion of online services such as My Account and the online claims process to impact staffing requirements over the longer term?

Answer

The Department of Veterans' Affairs assesses and adjusts its staffing requirements and profile to meet business priorities and processes within budgetary constraints.

Question 036

Outcome: 1 Program: 1.2 and 1.6

Topic: Location Profiles (Written Question on Notice)

Senator XENOPHON asked:

In response to Questions on Notice from Additional Estimates 2015 DVA advised it has: "received four location profiles from the Defence Abuse Response Taskforce (DART). Location profiles provide aggregated, de-identified data about 'cluster' of abuse reports to the DART involving particular military establishments."

DVA also advised that it has requested DART provide DVA with a total of 14 location profiles.

In response to Question on Notice 17 from Budget Estimates, DVA advised that as at 1 July 2015, profiles for a total of six locations have been provided by DART.

Have any more of the location profiles requested by DVA been provided by DART to date?

Answer

As at 6 November 2015, the Department of Veterans' Affairs has received 28 location profiles from the Defence Abuse Response Taskforce.

Question 037

Outcome: 1 Program: 1.2, 1.6 Topic: Location Profiles (Written Question on Notice)

Senator XENOPHON asked:

The response to QoN 17 also advised that representative locations for 'clusters' of abuse were identified by considering the 'total number of reports (of abuse) submitted by DART for that location'.

- a. Can you provide a de-identified summary of each location profile, including:
 - i. the number of reports of abuse alleged to have occurred there,
 - ii. the nature of the abuse reported,
- iii. the characteristics of the individuals who experienced abuse; AND
- iv. the characteristics of the alleged abusers?

Answer

The Department of Veterans' Affairs (DVA) is unable to provide these summaries. DVA is still receiving location profiles from the Defence Abuse Response Taskforce and is assessing how these might be used in the claims assessment process, including the sensitivities associated with this data.

Question 038

Outcome: 1 Program: 1.2 and 1.6

Topic: Location Profiles (Written Question on Notice)

Senator XENOPHON asked:

DVA advised in QoN17 that it has "not yet commenced using the location profiles for claims assessment purposes. However, work is underway to provide guidance to claims delegates about how such data could be used".

- a. Can you please explain how much weight the 'guidance' provided by abuse cluster location profiles will be given when assessing DVA claims?
- b. What form will this 'guidance' take? For example, will it be contained in a guidance note?
- c. Will the 'guidance' be publicly available?
- d. Given the response to QoN17 states "to provide guidance to claim delegates about how such data could be used", to what extent will DVA claim delegates be bound by this 'guidance'?
- e. When do you expect work on the 'guidance' to be provided will be complete?

Answer

a. The Repatriation Commission (RC) and the Military Rehabilitation and Compensation Commission (MRCC) are still considering how the location profiles might be used in DVA claims determination. Each location profile is different, i.e. they range in the number and nature of abuse incidents, are over different time periods and involve victims of different ages. These variations are being considered in the formation of guidance for delegates.

Consequently, the weight provided by cluster information is still under consideration.

- b. See response to question a.
- c. As the guidance is still under development, a decision on whether it will be publicly available has not been made.
- d. See response to question a.
- e. It is anticipated that this matter will be considered by the RC and the MRCC in early 2016.

Question 039

Outcome: DVA General Program: All

Topic: Legal Costs

(Written Question on Notice)

Senator XENOPHON asked:

In 2013-14 DVA spent a total of \$9.429 million on legal services (external and internal). Can DVA advise how much has been spent in 2014-15 on:

- a. Total legal services
- b. External legal services
- c. Internal legal services

Answer

This information is detailed at pages 132-133 of the Department of Veterans' Affairs Annual Report 2014-15.

Question 040

Outcome: DVA General Program: All

Topic: Legal Costs

(Written Question on Notice)

Senator XENOPHON asked:

Can DVA provide a breakdown of the legal services expenditure spent contesting military compensation payments in:

a. 2012-2013

b. 2013-2014

c. 2014-2015

Answer

The Department of Veterans' Affairs' (DVA) uses external legal services to represent the Military, Rehabilitation and Compensation Commission (MRCC) at the Administrative Appeals Tribunal (AAT). In very rare instances, the Commission appeals to the AAT on a matter raising a significant point of law. The vast majority of cases before the AAT are appeals by DVA clients in which DVA is obliged to respond to the appeal. It should also be noted that some appellants of military compensation cases to the AAT can access means test free legal aid to assist in their appeal. In cases where legal aid is not available, the appellant can obtain legal costs if the appeal is successful.

The legal costs incurred for MRCC matters before the AAT are:

- a. 2012/2013 \$3,124,366.80
- b. 2013/2014 \$4,263,427.60
- c. 2014/2015 \$4,284,281.10

Question 41

Outcome: 1 Program: Rehabilitation & Support

Topic: Legal Costs

(Written Question on Notice)

Senator XENOPHON asked:

I refer to the *Safety, Rehabilitation and Compensation Act 1988* (SRCA) with regards to Permanent Impairment under which it is possible for the Department to award lump sum compensation for permanent whole person impairment suffered by members and former members of the ADF who were injured or suffered disease due to their service prior to 1 July 2004. I refer to the case *May v Military Rehabilitation and Compensation Commission* [2015] FCAFC 93 (30 June 2015).

- a. Can DVA provide an update on the status of this claim?
- b. Can DVA advise how much in total it has spent on the legal costs of this claim, including on DVA employees, legal teams and Mr May's legal costs?
- c. What is the total amount of compensation payable in this type of claim?
- d. How does DVA determine whether or not to pursue such claims where the legal costs may outweigh the value of the compensation payable? Please provide details.
- e. What undertaking is completed by DVA to estimate total legal costs before pursuing such claims?

Answer

- a) The Full Federal Court decision in May has been the subject of a special leave application to the High Court lodged by the Military Rehabilitation and Compensation Commission. On 13 November 2015, the High Court granted special leave and the matter will be set down for hearing in March 2016.
 - This is an important case as it examines the definition of "injury" under the SRCA. In the view of the Commission and its external lawyers, the case has expanded what can be considered an injury and therefore what can be compensated as an injury. It has potential implications for the Comcare jurisdiction and State workers' compensation jurisdictions which rely on a similar definition of "injury".
- b) The Commonwealth has incurred substantial cost in this matter as Mr May appealed to the Administrative Appeals Tribunal, the Federal Court and then the Full Federal Court. In all of these actions, the Commonwealth was the respondent and therefore obliged to respond to the appeal lodged by Mr May. It was only at the Full Federal Court that the decision favoured Mr May. The Department of Veterans' Affairs' (DVA) legal costs to date are approximately \$400,000. As a result of the decision in the Full Federal Court and the Commonwealth's desire to have settled legal interpretation of the term "injury", DVA has also agreed to pay Mr May's litigation costs in the amount of \$165,000.

- c) \$247,465 is the maximum compensation paid under the *Safety, Rehabilitation and Compensation Act 1988* which includes a component for non-economic loss.
- d) As outlined in (a), Mr May pursued this matter via a merits review in the Administrative appeals Tribunal and on a point of law in the Federal Court and the Full Federal Court. In all three occasions, the Commission was the respondent to the appeal.
 - In all these forums the Commission participates in alternate dispute resolutions and always attempts to settle matters as soon as it possibly can, based on the evidence of the case and the particular legal issues involved.
- e) As outlined above, the Full Federal Court appeal was instigated by Mr May and not the Commission. In all its litigation matters, DVA is also compliant with the Legal Services Directions and the model litigant rules.

Question 042

Outcome: 1 Program: All

Topic: Legal Costs

(Written Question on Notice)

Senator XENOPHON asked:

I note the findings of *May v Military Rehabilitation and Compensation Commission* [2015] FCAFC 93 (30 June 2015) which recently found:

'no warrant... to require diagnosis or medically ascertained cause' at [209]; and '[t]he requirement for objective medical evidence and diagnosis misdirected the enquiry' at [211] cf. [212], [220]; and '...these erroneous approaches also led the Tribunal to look for a causal link of a kind not required...' at [231], cf. [224].

I understand it was ordered that:

- (a) the decision of the Administrative Appeals Tribunal dated 14 December 2011 be set aside;
- (b) the matter be remitted to the Tribunal for determination according to law; and
- (c) the respondent pay the appellant's costs.

The findings accepted "that a differently constituted Tribunal, properly instructed about what needs to be established to come within the concept of "injury", may take a different approach to significant aspects of the evidence, including the appellant's accounts of what he experienced."

- a. Assuming a compensation claim for injury is not excluded (e.g. by self-harm), what are the minimum criteria that need to be met under the SRC Act to satisfy the concept of "injury" other than a disease?
- b. Was this instruction given by internal or external legal services?
- c. What action is DVA taking given that the ruling suggests that they were not properly instructed about what needs to be established to come within the concept of "injury"?
- d. I understand the SRC Act does not require workers who suffer non-disease injuries during employment to prove causal contribution. Therefore, why does DVA require workers to prove causal contribution, and to prove other things (e.g. suddenness) which are not required by law?

Answer

The Full Federal Court decision in *May v Military Rehabilitation and Compensation Commission* [2015] FCAFC 93 (30 June 2015) was the subject of an application by the MRCC for special leave to appeal to the High Court. The application for special leave to the High Court was granted on 13 November 2015.

- a. Section 5A of the *Safety, Rehabilitation and Compensation Act 1988* (SRCA) defines the term 'injury' for the purposes of the SRCA. Relevantly, section 5A(1)(b) establishes the concept of 'injury (other than a disease)', as a subset of the term 'injury'. Section 5A(1)(b) states:
 - (1) In this Act:

"injury" means:

. . .

(b) an injury (other than a disease) suffered by an employee, that is a physical or mental injury arising out of, or in the course of, the employee's employment; or

. . .

b & c) It is inappropriate to comment on the findings of the Full Federal Court while this matter is before the High Court.

d. The Department does not require a member or former member of the Australian Defence Force who suffers non-disease injuries during employment to prove casual contribution.

Question 043

Outcome: 1, 2 Program: 1.7, 2.7

Topic: Non Liability Healthcare (NLHC)

(Written Question on Notice)

Senator XENOPHON asked:

The FADT Committee noted that people damaged by abuse in the ADF – especially boys and other vulnerable young recruits - may have left the ADF well before the three year minimum service required for NLHC. Accordingly, the Committee recommended (Recommendation 5):

Recommendation 5

The committee recommends the Australian Government introduce amending legislation to remove the three year minimum service requirement for eligibility for Non-Liability Health Care (NLHC) and to make NLHC available to any person who has had completed any service.

Government Response - Noted.

An expansion of eligibility for NLHC along these lines would enable a greater number of victims of abuse to access treatment for specific mental health conditions. This proposal will need to be considered in the context of the Government's broader budget priorities.

- a. What is DVA doing to enable the Government to make a substantive decision on this recommendation 'in the context of the Government's broader budget priorities'?
- b. Has DVA gathered information about the cost implications of removing the three year service precondition to enable the Government to make an informed decision on this recommendation in the next Budget process?
- c. If not, what will DVA do to gather that information in time for an informed decision in the next Budget process?

Access to NHLC makes it more likely that the people affected will be able to live productive lives.

- d. Has or will DVA's analysis of the budget implications of implementing Committee Recommendation 5 take into account the possible reduction in the claims which the people who benefit from NHLC might make otherwise make on social welfare?
- e. Apart from cost, is there any policy reason for having a three year minimum service precondition for access to NLHC for former members of the ADF?

<u>Answer</u>

- a. The Department of Veterans' Affairs (DVA) is providing advice to Government on the estimated costs and likely population to benefit from any expansion of eligibility for Non-Liability Health Care (NLHC).
- b. See response to question a.

- c. See response to question a.
- d. NLHC provides access for eligible persons to health care, including for certain mental health conditions. While DVA acknowledges that in some cases access to mental health treatment may result in a person not needing to access social welfare benefits and services, or reducing the level of benefits they might require, there is a wide range of factors that affect whether a person accesses social welfare and the level of benefits they receive. It is therefore not possible to estimate this effect with any degree of precision.
- e. NLHC is provided under the *Veterans' Entitlements Act 1986* (VEA), and is available to individuals who:
 - i. are eligible to apply for disability pension under the VEA;
 - ii. have rendered any warlike or non-warlike service; and/or
 - iii. have peacetime service under any Act since April 1994.

One of the legislative criteria for access to the disability pension for members with only peacetime service is having rendered three years continuous full-time service, noting that there are a number of exceptions and qualifications on this requirement, most importantly where a member was engaged for at least three years but is discharged earlier for medical reasons. When NLHC eligibility was expanded on 1 July 2014 to include members with peacetime service after 7 April 1994, this requirement was mirrored to maintain consistency across cohorts.

Question 044

Outcome: 1 and 2 Program: 1.7; 2.1; 2.7 Topic: Non Liability Healthcare (NLHC)

(Written Question on Notice)

Senator XENOPHON asked:

NLHC – with a three year service precondition – came into effect in 1 July 2013.

- a. When NLHC was introduced, what was the rationale for the three-year service precondition?
- b. What assessment was made of the financial impact of NLHC before it came into operation?
- c. Has DVA tracked the Budget impact that the introduction of NLHC has had since it came into effect?
- d. Has DVA carried out any analysis of the ongoing budget implications of the introduction of NLHC?
- e. If yes what is the outcome of that tracking and analysis?
- f. Has the experience since NLHC was introduced been consistent with the financial impact assessment which was done before it was introduced?

Answer

a) The concept of Non Liability Health Care (NLHC) was first introduced prior to the end of the Second World War.

The three-year service precondition has only ever applied to peacetime-only service. Any amount of operational service provides eligibility for NLHC.

Prior to the 1 July 2014 expansion of NLHC, the three-year requirement applied only to broader eligibility for compensation under the *Veterans' Entitlements Act 1986*. There was no specific NLHC eligibility criterion.

The 1 July 2014 expansion to include current and former members of the Australian Defence Force (ADF) with peacetime-only service after 7 April 1994 and include alcohol and substance use disorders mirrored this three-year requirement to maintain consistency across cohorts (noting that there are a number of exceptions and qualifications to this requirement).

- b) Given the long history behind the introduction and expansion of NLHC, this would require an unreasonable diversion of Departmental resources.
- c) NLHC is not a discrete expenditure program, but rather an eligibility pathway for treatment. As such, the Department of Veterans' Affairs (DVA) does not track expenditure for NLHC separately from other treatment provided by DVA.
- d) No. Refer to answer to (c).
- e) N/A

f) The number of clients estimated by DVA prior to implementation of the 1 July 2014 expansion of NLHC that would be approved for treatment for alcohol use and substance use disorders under NLHC arrangements for the first full year after implementation (financial year 2014-15) and the number of actual approvals for that year are shown in the table below:

NLHC approvals	Estimated approvals 2014-15	Actual approvals 2014-15
Alcohol and substance use disorders	537	577

DVA does not track the number of NLHC approvals separately for cohorts with different types and periods of service, and thus cannot provide a comparison between the estimated and actual numbers of approvals for posttraumatic stress disorder, anxiety disorders and depressive disorders specifically for clients with peacetime service from 7 April 1994. However, the following table shows the number of actual approvals for these conditions for all eligible cohorts for the financial year prior to (2013-14) and following (2014-15) the year following the expansion on 1 July 2014:

NLHC approvals	Actual approvals 2013-14	Actual approvals 2014-15
Posttraumatic stress disorder	592	937
Anxiety disorders	196	645
Depressive disorders	512	1,143

Question 045

Outcome: 2 Program: 2.1

Topic: Non Liability Health Care (NLHC)

(Written Question on Notice)

Senator XENOPHON asked:

a. What has DVA done to publicise the availability of the existing NLHC (with a three year service precondition) to potential claimants?

- b. In particular has DVA publicised NLHC to the medical professionals and support groups such as Alcoholics Anonymous who work with persons affected by mental health and substance abuse issues?
- c. Persons affected by mental health problems are more likely to be in receipt of social welfare benefits. Has DVA publicised the availability of NLHC through entities - such as Centrelink and Nursing Home facilities - likely to be working with persons damaged by abuse and their carers?

Answer

- a) The Department of Veterans' Affairs (DVA) has promoted the availability of non-liability health care (NLHC), and in particular the changes to eligibility from 1 July 2014 across a number of mediums including media releases, journal articles, letters, factsheets, brochures and the internet. For example, articles have appeared in VetAffairs, Defence Force newspapers, the national RSL newsletter and professional medical journals.
- b) Briefings have been provided through DVA's consultative mechanisms for ex-service organisations, provider advisory groups such as the Veteran Mental Health Clinical Reference Group, Local Medical Officers' Advisory Group, as well as the Department of Human Services Stakeholder Consultative Group. DVA also wrote to peak industry groups such as the Royal Australian and New Zealand College of Psychiatrists advising them of the NLHC arrangements.
 - DVA is aware of the approach of Alcoholics Anonymous which is a peer based fellowship to help people stay sober. It is understood that Alcoholics Anonymous has a policy of cooperating but not affiliating with outside organisations. DVA has contacted the General Service Office of Alcoholics Anonymous and provided information about mental health and rehabilitation services available to veterans, including non-liability health care.
- c) Refer to a and b.

Question 046

Outcome: 1 and 2 Program: 1.7 and 2.7

Topic: Access to DVA benefits (other than NLHC)

(Written Question on Notice)

Senator XENOPHON asked:

Recommendation 6 - The committee recommends that the Minister for Veterans 'Affairs direct the Department of Veterans 'Affairs (DVA) to commence consultation with veterans' representative organisations and to report back on:

The legal and practical barriers there are to victims of abuse in the ADF succeeding in establishing the facts necessary to access entitlements to DVA benefits;

What Defence and DVA could do and what resources they will require to gather and share information which could assist such individuals to establish those facts to the satisfaction of DVA and tribunal decision-makers:

What can be done in liaison with veterans' groups, other Australian Government agencies and community groups, and what resources will be required to reach out to individuals affected by abuse who may be eligible for DVA benefits — including individuals who have previously applied and been rejected.

Government Response - Noted.

The Government currently engages with a number of veterans 'representative groups and exservice organisations on a range of issues affecting the veteran community. The Government is committed to ongoing consultation with veterans 'representative groups and to reviewing its consultative mechanisms and will consider options to broaden engagement in order to better support abuse victims.

The findings of the consultation will be reported back to the Minister for Veterans 'Affairs.

- a. What is the status of this consultation and consideration of options?
- b. Has the consultation and consideration of options commenced?
- c. What has or will the consultation consist of?
- d. Which groups have been consulted or will be consulted?
- e. What is the timetable for consultation and reporting to the Minister?

<u>Answer</u>

- a. Consultation is continuing and the information gained is under consideration.
- b. See response to question a.
- c. Consultation consists of face-to-face sessions with relevant groups. Discussion is based on a pre-circulated discussion paper and also includes other relevant matters raised by these groups, some of whom have provided written input.

- d. Groups consulted to date include:
 - Ex-Service Organisation Round Table membership comprises representatives of the following organisations:
 - o TPI Federation Australia;
 - o Australian Peacekeepers and Peacemakers Veterans' Association (APPVA);
 - o Australian Special Air Service Association (ASASA);
 - o Defence Families Australia (DFA);
 - o Defence Force Welfare Association (DFWA);
 - Legacy Australia Council;
 - o Naval Association of Australia (NAA);
 - o Partners of Veterans Association;
 - o Royal Australian Air Force Association (RAAFA);
 - o Royal Australian Regiment Corporation;
 - o Returned & Services League of Australia (RSL);
 - Vietnam Veterans Association of Australia;
 - Vietnam Veterans Federation of Australia; and
 - War Widows' Guild of Australia.
 - Younger Veterans Contemporary Needs Forum (YVF) membership comprises representatives of the following organisations:
 - o APPVA;
 - o ASASA;
 - o DFA:
 - o DFWA;
 - o Legacy Australia Council;
 - Mates4Mates;
 - o Ms Danielle Kitchen;
 - o NAA;
 - o RAAFA;
 - o RSL;
 - o Soldier On;
 - o Support for Wounded Injured or Ill Program, Department of Defence; and
 - o The Warriors Return.
 - William Kibby VC Veterans' Shed
 - Victims of Abuse in the Australian Defence Force Association Inc.
- e. It is anticipated that consultation and the report to the Minister will be finalised in early 2016.

Question 047

Outcome: 1 Program: 1.2, 1.6 Topic: Financial Assistance (Written Question on Notice)

Senator XENOPHON asked:

What is DVA doing to:

- a. examine options to provide financial assistance to support a national, sustainable community-based approach to assisting veterans who have suffered abuse? and
- b. enable the Government to make a substantive decision on this recommendation 'in the context of the Government's broader budget priorities' in time for an informed decision in the next Budget process?

Answer

a. The Department of Veterans' Affairs (DVA) is consulting with groups who support victims of abuse to better understand their funding models and the particular activities that require funding.

Information on this issue has been received from the Returned and Services League, William Kibby VC, Veterans' Shed and the Victims of Abuse in the Australian Defence Force Association Inc. The services provided by these organisations include formal and informal counselling, referral to appropriate services and assistance with lodging claims. Most funding requirements are based on ongoing operating expenses.

DVA is also examining existing Government programs that provide funding support to community groups.

Information gained through this process will be provided to the Minister.

b. See response to question a.

Question 048

Outcome: 1 Program: 1.2, 1.6

Topic: DVA liaison with Defence Government response to FADT Committee report on

support for victims of abuse (Written Question on Notice)

Senator XENOPHON asked:

In October 2014 the Senate Foreign Affairs, Defence and Trade Committee tabled its report - Processes to support victims of abuse in Defence.

The Government response to this Report was tabled on 16 June 2015.

A number of recommendations relate to the Department of Veterans' Affairs. Some of the Government responses indicated that the recommendations would be further considered by Government in budgetary contexts and/or that there would be further consideration and consultation before Government decisions were made.

Shortly before the change in Ministers I met with the then Minister for Defence Kevin Andrews and I expressed to him my concerns that these matters not be left to drift while people damaged by abuse in the Defence Force and their families are continuing to suffer without assistance they could be getting.

I was particularly concerned that we not get to the next Budget process without sufficient work having been done to enable the Government to make substantive decisions.

Minister Andrews agreed to take up these concerns with the then Minister for Veterans' Affairs and on 4 September 2015 I wrote to him to confirm my concerns.

I have written to the new Minister for Defence Senator Payne and provided her with a copy of my letter to Minister Newman.

QUESTION

- a. Has Defence provided DVA with a copy of my 4 September 2015 letter to Minister Andrews?
- b. Have Defence and DVA commenced consultation on the matters set out in that letter?

Answer

- a. Yes. Responsibility for responding to the letter sits with the Defence portfolio.
- b. DVA has been consulting with Defence on issues relating to abuse in Defence since the release of the DLA Piper report in 2012. DVA is working with Defence on various matters relating to the Committee's recommendations, as referred to in the letter.

Question 049

Outcome: Australian War Memorial Program: N/A

Topic: Departmental Rebranding

(Written Question on Notice)

Senator LUDWIG asked:

Has the department/Agency undergone a name change or any other form of rebranding since the leadership change in September, 2015? If so:

- a. Please detail why this name change / rebrand were considered necessary and a justified use of departmental funds?
 - i. Please provide a copy of any reports that were commissioned to study the benefits and costs associated with the rebranding.
- b. Please provide the total cost associated with this rebrand and then break down by amount spent replacing:
 - i. Signage.
 - ii. Stationery (please include details of existing stationery and how it was disposed of).
 - iii. Logos
 - iv. Consultancy
 - v. Any relevant IT changes.
 - vi. Office reconfiguration.
- c. How was the decision reached to rename and/or rebrand the department?
 - i. Who was involved in reaching this decision?
 - ii. Please provide a copy of any communication (including but not limited to emails, letters, memos, notes etc.) from within the department, or between the department and the government regarding the rename/rebranding.

Answer

No.

Question 050

Outcome: Australian War Memorial Program: N/A

Topic: Departmental Rebranding

(Written Question on Notice)

Senator LUDWIG asked:

- a. Following the changes does the department share any goods/services/accommodation with other departments?
- b. What resources/services does the department share with other departments; are there plans to cease sharing the sharing of these resources/services?
- c. What were the costs to the department prior to the Machinery of Government changes for these shared resources? What are the estimated costs after the ceasing of shared resource arrangements?

Answer

Please see response to Question on Notice number 8.

Question 051

Outcome: Australian War Memorial Program: N/A Topic: Staffing - employment of non-Australian citizens (Written Question on Notice)

Senator LUDWIG asked:

I refer you to section 22 (8) of the Public Service Act 1999 which says:

"An Agency Head must not engage, as an APS employee, a person who is not an Australian citizen, unless the Agency Head considers it appropriate to do so."

- a. Does the department have guidelines or similar to assist Agency Heads to assess when it is appropriate to hire non-Australian citizens? If no, do individual agencies have their own guidelines? If yes to either:
 - i. Please provide a copy.
 - ii. When did they come into effect?
 - iii. Can Agency Heads decide to go against the advice? If yes, under what circumstances?
- b. Are Agency Heads required to provide a reason to anyone for hiring non-Australian citizens? If yes:
 - i. Who are they required to report the reason to?
 - ii. Does this reporting happen before or after the hire has been made?
 - iii. Is this reason provided in writing? If no, how is it provided?
 - iv. Can you please provide a list of reasons that have been used since the Federal election in September, 2013.
- c. Are there any provisions to over-rule a Head of Agency's decision to hire a non-Australian citizen? If yes:
 - i. Who can over-rule this decision?
 - ii. Under what circumstances can it be over-ruled?
 - iii. How many times has this occurred since the Federal election in September, 2013.

<u>Answer</u>

- a) The Australian War Memorial does not have its own guidelines or policy on the hire of non-Australian citizens, however, Australian Public Service Commission (APSC) guidance is available to APS agencies on this matter: http://www.apsc.gov.au/working-in-the-aps/your-rights-and-responsibilities-as-an-aps-employee/citizenship-in-the-australian-public-service.
- b) In accordance with APSC guidance, the Agency Head (Director of the Memorial) has the authority to determine whether to hire non-Australian citizens.
- c) The APSC guidance does not reference any provisions to over-rule an Agency Head's decision.

Question 052

Outcome: Australian War Memorial Program: N/A

Topic: Ministerial Staffing (Written Question on Notice)

Senator LUDWIG asked:

Since the leadership change in September, 2015:

- a. Has there been any change to the staffing profile of the Minister's office?
- b. Provide a list of changes to staffing numbers, broken down by classification level, and role.
- c. Please provide a breakdown of any redundancies that have been paid to staff who left the Minister's office since the change in leadership.
- d. Please provide the total cost of Ministerial staff salaries in the office from before the change.
- e. Please provide the total cost of Ministerial staff salaries in the office as of now.
- f. Were any staff hired for the office since the change, but have subsequently left in the time between then and now? If yes, how many? How long did each stay? What was their role?

Answer

Please see response to Question on Notice number 10.

Question 053

Outcome: Australian War Memorial Program: N/A

Topic: Ministerial Personalised Stationery

(Written Question on Notice)

Senator LUDWIG asked:

Since the leadership change in September, 2015, how much has been spent by the Ministerial office on personalised stationery for the Minister and the Minister's staff? Please provide a cost breakdown by type of stationery purchased and the quantity of each and whether it was for the Minister or for staff.

Answer

Nil.