



VIETNAM VETERANS, PEACEKEEPERS & PEACEMAKERS ASSOCIATION OF AUSTRALIA, (NSW BRANCH) Inc.

AFFILIATED WITH THE VIETNAM VETERANS FEDERATION OF AUSTRALIA Inc.

SUPPORTING ALL WHO SERVE AND HAVE SERVED

THE ACTs of Parliament Legislation affecting Veterans

VETERANS ENTITLEMENT ACT - VEA

The Veterans' Entitlements Act 1986 (VEA) covers service in wartime and certain operational deployments, as well as certain peacetime service between 7 December 1972 – 30 June 2004. For peacetime service eligibility, a member who had not completed a qualifying period of three years service prior to 7 April 1994 is not covered under the VEA, unless they were medically discharged. British nuclear test defence service during the 1950's and 1960's in Australia is also covered when the relevant criteria are met.

If you have an injury or disease arising out of, or aggravated by, a period of full-time service when you were covered under the VEA, you may be eligible for a disability pension and medical treatment. You may also be eligible for compensation under the Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 (DRCA) for the same disability and, if so, any compensation payable is offset against your pension.

Depending on a successful claim payments include ***TPI-Special Rate Pension***, or a percentage ***Disability Pension*** according to rated body impairment. The claimant may also be eligible for a full or part age pension equivalent through DVA unaffected by the Disability Pension amount. Payments are periodic (fortnightly) payments according to the rate assessed.

Military Rehabilitation and Compensation Act 2004 - MRCA

This Act provides rehabilitation and compensation coverage for the following members of the Australian Defence Force (ADF) who served on or after 1 July 2004:

All members of the Permanent Forces; All members of the Reserve Forces; Cadets and Officers, including instructors of Cadets; Persons who hold an honorary rank or appointment in the ADF and who perform acts at the request or direction of the Defence Force; Persons who perform acts at the request or direction of the Defence Force as an accredited representative of a registered charity; Persons who are receiving assistance under the Career Transition Assistance Scheme (established under section 58B of the Defence Act 1903) and who perform acts in connection with the scheme; and Other people declared in writing by the Minister for Defence to be members of the ADF.

For those making claims under MRCA there are 4 conditions under which payment is made depending on a rating of body impairment for each claim accepted. These are ***Permanent Impairment Compensation, Incapacity Payments, Special Rate Disability Pension, and Compensation following death.*** Payments are periodic (fortnightly) payments according to the rate assessed.

Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988 (DRCA)

This Act provides similar rehabilitation and compensation to that provided under the Military Rehabilitation and Compensation Act 2004 (MRCA), for injuries and diseases suffered as a result of peacetime and peacekeeping service up to and including 30 June 2004 and operational service between 7 April 1994 and 30 June 2004.

Permanent Impairment compensation in the form of a **lump sum** is paid for the functional loss, pain and suffering and the lifestyle effects from injury or disease accepted as related to your DRCA service. It is assessed as a percentage of whole person impairment using part 2 (Defence-Related Claims for Permanent Impairment) of the Guide to the Assessment of the Degree of Permanent Impairment.

Incapacity payments are periodic compensation for economic loss similar to the payments under MRCA. These payments are generally taxable as they are income-related payments.

Compensation following death: Dependents of deceased members may be entitled to: a lump sum payment; an additional death benefit (ADB) in the form of a lump sum payable to the spouse under the Defence Act 1903 where the member's death occurred after 10 June 1997; a further lump sum for each dependant child (payable under the Defence Act 1903) is made to the spouse if they have responsibility for their care (payment goes directly to a child aged 18 years and over); and reimbursement for the cost of obtaining financial advice when an ADB has been paid under the Defence Act 1903.

You should not attempt to traverse a claims activation without first contacting a qualified Advocate familiar with most, or all of the Acts listed above.