



Minutes

Agenda Item 1 Welcome, apologies and conflicts of interest

The Chair opened the meeting and welcomed attendees, the Repatriation Commissioner recited The Ode and Members acknowledged the service and sacrifice of all veterans. No new conflicts of interest were declared and apologies were **NOTED** and listed at [Annexure A](#).

At the 16 December 2022 meeting, a majority of ESORT members agreed to one member of the Younger Veterans - Contemporary Needs Forum (YVF) joining ESORT as a member/observer and vice versa. YVF members have not had the opportunity to vote for a representative. The YVF Chair agreed to facilitate this conversation with the YVF before the next ESORT meeting scheduled for May 2023. ESORT members were to advise the Chair of their decision on representation at the conclusion of this meeting. If forums could not come to a consensus on the representative, the Chair would decide. The individual will represent their respective forum (ESORT/YVF) and not their member organisation. The Secretariat will work with each forum Chair to confirm representation terminology – as a ‘member’ or ‘observer’ and the obligation of the individual representative to report back to their respective forum at its next meeting.

No.	DECISION
2023ESORT/D01	ESORT Members AGREED to the Chair of the Younger Veterans - Contemporary Needs Forum (YVF) approaching YVF members to seek a representative to participate in ESORT meetings. ESORT members AGREED that Repatriation Commissioner Don Spinks would identify an ESORT member representative for YVF meetings. Each representative is required to report back to their respective forum at its next meeting.

No.	Action	Assigned to
2023ESORT/A01	Commissioner Spinks to identify an ESORT representative to attend YVF meetings.	Commissioner Spinks
2023ESORT/A02	The ESORT Chair and the YVF Chair to confirm forum representative and advise the corresponding forum Chair.	ESORT Chair YVF Chair Secretariat
2023ESORT/A03	The Secretariat will work with each forum Chair to confirm representation terminology – as a ‘member’ or ‘observer’.	Secretariat

Agenda Item 2 Action Items

The Chair **NOTED** the former ESORT Chair had cleared the 16 December 2022 meeting Minutes, which were endorsed by Members out of session and published on the DVA website on 15 February 2023.

Members requested more time to review the action item register before agreeing to recommendations for closure of specific items. The Chair **AGREED** and advised members to provide feedback/comments via email to the Secretariat by close of business Friday, 31 March 2023.

No.	Action	Assigned to
2023ESORT/A04	ESORT Members to review the Action Item Register and provide comments/feedback via email to ESORT Secretariat by COB 31 March 2023. A nil response will be considered agreement to the recommendation to close the items.	ESORT Members Secretariat

Agenda Item 3 Schedule 9 from the Treasury Laws Amendment (2022 Measure No 4) Bill 2022

A panel of subject matter experts from Commonwealth Superannuation Corporation (CSC), Department of Treasury and Department of Defence attended ESORT to address members' concerns and answer questions regarding Schedule 9 of the Treasury Laws Amendment (2022 Measures No. 4) Bill 2022.

A Full Federal Court decision (Commissioner of Taxation v Douglas, herein referred to as the *Douglas* decision) handed down in December 2020, resulted in changes to the income tax treatment of certain military invalidity benefit payments made to veterans by CSC. The *Douglas* decision found that military invalidity superannuation payments made after 20 September 2007 under the Defence Force Retirement and Death Benefit (DFRDB) Scheme and the Military Superannuation Benefits Scheme (MSBS) are to be taxed as superannuation lump sum benefits instead of superannuation income stream benefits. The taxation impacts of the decision are complicated with varying fortnightly and end of financial year tax outcomes for veterans.

The Government's position is to ensure that no individual is worse off following the *Douglas* decision and is addressing the issue through the Treasury-led Schedule 9 of the Treasury Laws Amendment Bill 2022, which is currently before the Senate. The amendments in the Schedule seek to preserve the beneficial effects of the *Douglas* decision for those veterans who benefited, and to ameliorate the adverse consequences for those veterans who are currently worse off as a result of the decision.

Further information regarding [military invalidity pensions and the *Douglas* decision is available on the Australian Taxation Office website](#).

The Australian Peacekeeper and Peacemaker Veterans' Association representative read a statement on behalf of some, but not all, the veteran and veteran family members of ESORT that was developed the previous day calling on the Government to withdraw Schedule 9, noting concerns of the veteran community and identifying a lack of understanding across the community regarding the changes proposed in Schedule 9. They proposed to establish a Working Group to focus on this issue. Noting the information provided by the subject matter experts at the meeting, the Chair sought to understand the consensus of the group around this proposal. The Chair **AGREED** to the convening of a non-DVA led limited time Working Group which would seek to provide veterans with the opportunity to clarify understanding and discuss further concerns around the tax treatment of the different veteran superannuation schemes.

The *Douglas* decision has already been implemented, as required by law, and ESORT members **NOTED** the advice from subject matter experts that the amendments proposed in Section 9 were to preserve the beneficial effects of the *Douglas* decision for those veterans who benefited, and to ameliorate the adverse consequences for those veterans who are already subject to the change in tax treatment and who are already worse off as a result. If the Bill is not progressed in this financial year then the changed tax treatment will continue for these negatively impacted veterans.

Some ESORT members **RAISED** that there are veterans in the community that feel very strongly that the *Douglas* decision should also apply to their superannuation position/scheme as the change in tax application would be financially beneficial for them if this occurred. Section 9 is intended to ameliorate the position of veterans negatively impacted by the *Douglas* decision. It was not intended to consider broader change to tax application to superannuation and therefore ESORT **AGREED** this matter would be discussed in the new Working Group to better understand the concerns.

Additionally, several ESORT members raised concerns regarding Family Law determinations involving veterans who receive a disability lump sum payment. Members commented that this payment is intended to provide affected veterans with assistance for the entirety of their life and this is compromised if the lump sums involved are included in financial settlements in divorce cases. It was **AGREED** to incorporate this discussion into the new Working Group to gain a fuller understand the treatment of lump sum payment in regarding to spouses entitlement and payments for children, particularly in the event of a relationship breakdown.

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It was **NOTED** the policy and legislation for superannuation treatment, tax treatment and family law application fall outside of DVA's accountability but remain of strong interest to the group and would be included in the remit of the new Working Group.

No.	Action	Assigned to
2023ESORT/A05	Treasury representative will provide ESORT members with talking points to assist in relaying the correct information to their constituents explaining Schedule 9 of the Treasury Laws Amendment (2022 Measures No. 4) Bill 2022.	Veteran & Family Policy
2023ESORT/A06	The ESORT Chair will follow up the Taxation Commissioner to seek an ATO response to ESORT's concerns around communications, language and vulnerabilities of veterans affected by Schedule 9 of the Treasury Laws Amendment (2022 Measures No. 4) Bill 2022, particularly to confirm a consistent ATO response for concerned veterans.	Veteran & Family Policy
2023ESORT/A07	The ESORT Chair and Treasury to approach the ATO to seek a pathway for concerned veterans to ask questions and make enquiries regarding individual circumstances in relation to the <i>Douglas</i> decision and Schedule 9 of the Treasury Laws Amendment (2022 Measures No. 4) Bill 2022.	Veteran & Family Policy
2023ESORT/A08	ESORT Members to establish a non DVA-led, limited time, Working Group inviting concerned veterans, members of the National Consultation Framework, Treasury, ATO, CSC and the Department of Defence to collaborate, seek clarity and discuss further concerns about Schedule 9 of the Treasury Laws Amendment (2022 Measures No. 4) Bill 2022, differences to superannuation treatment across veteran schemes and treatment of lump sums in the event of a relationship breakdown.	ESORT Members Veteran & Family Policy

Agenda Item 4 Claims Processing Update

A top priority for Government and DVA is to clear the claims backlog. DVA has experienced a significant increase in claims over the last few years, particularly for conditions arising from service after 1 July 2004.

Members were **ADVISED** that at the end of January 2023, the claims backlog is now at 29,938, down from a peak of 36,012 in July 2022. The establishment of screening teams, increased numbers of claims processors and contributions from VAN and case managers have supported the positive steps forward. DVA continues to recruit and train new claims delegates.

Members discussed retention and recruitment of staff, ways in which to reinforce the advocacy network to improve assistance to veterans at the time of their claim, work being undertaken by Joint Health Command (JHC) within Defence to encourage Australian Defence Force (ADF) members to submit their claims before transition, as well as the JHC work in health protection, physical and mental health strategies and preventative measures, and health promotion to keep ADF members physically fit, mentally well, avoiding injury and the need for claims.

The TPI Federation of Australia representative sought further information on outstanding claims, particularly under the *Veterans' Entitlement Act 1986* (VEA).

No.	Action	Assigned to
2023ESORT/A09	The ESORT Chair advised that DVA would provide Members with a project plan for claims processing improvements to the next ESORT meeting.	Client Benefits Division
2023ESORT/A10	Provide Members with a copy of the claims processing update presentation delivered by DVA.	Secretariat

2023ESORT/A11	Provide Members with figures of claim types, lodgement via MyService or advocates and the number of outstanding claims under the VEA.	Client Benefits Division
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Agenda Items 5&6 Veteran Systems Improvements/ Modernisation Program

To inform the initial development of MyService between 2016 through to 2018, many engagements were held with veterans. The Veteran Centric Reform program conducted “Lighthouse Projects” engaging veterans in ongoing user testing, and small groups continued to meet and test further features as they were rolled out. There were not as many co-design activities undertaken from 2020 due to the pandemic. DVA will again be inviting veterans, families, advocates and ex-service organisations (ESOs) to participate in co-design workshops to develop the MyService enhancements that will be undertaken over the next two years. Communications will be issued to ESOs in the coming months inviting participation.

The following enhancements to MyService are underway:

- **Additional messaging** in MyService to prompt and guide clients, during the claim submission process, to choose, complete and submit the appropriate claim for their circumstance.
- **Claims transparency** will provide clients with an overview of all their claims, regardless of submission channel, via MyService with meaningful claim process status updates.
- **Document upload facility** will enable clients to upload documentation to support their claims via their MyService dashboard, regardless of the claim submission channel.
- **Expansion of the 'task notification'** function via MyService to prompt and allow clients to lodge information or documents required for the processing of a claim.

Information sharing between the Department of Defence (DoD) and DVA was discussed and it was acknowledged that further work and improvements are required, noting that the exchange of information must be consistent with Privacy legislation. Members discussed the three pathways into the Department through the ESO portal, the Third Party Portal and MyService.

The Defence Reserves Association representative sought clarification on the transfer of Reservist data from Defence to DVA.

No.	Action	Assigned to
2023ESORT/A12	A dedicated modernisation co-design workshop is to be facilitated by DVA with experienced advocates.	Commemorations & Transformation
2023ESORT/A13	A dedicated modernisation co-design workshop is to be facilitated by DVA with ESORT Members.	Commemorations & Transformation
2023ESORT/A14	Investigate whether Reservist data is being captured in the information sharing between Defence and DVA.	Defence, Head People Capability

Agenda Item 7 Update on the Royal Commission into Defence and Veteran Suicide

Recommendations 9 – 13 focus on improving access to information and have very clear deadlines which DVA is striving to meet.

Both DVA and DoD have established Information Access Units (IAU) designed to manage the release of information to ADF members, veterans, families and representatives. A single set of Trauma informed principles have been developed with Defence and all staff working in the IAU have received trauma informed training. DVA is working to deliver clearer information and alignment in the language used between the two departments in relation to Information Access. In relation to consent DVA is focussing on education with regard to the importance of consent and how to update it.

Members were advised that co-design was undertaken by an external organisation which consulted with current serving ADF members, veterans, family members and advocates. The information and processes will continue to be improved as feedback is received.

Communications will be distributed to, and via, the National Consultation Framework forums, *VetAffairs*, Defence magazines, 1800 Veteran phone line, through social media channels and Services Australia shopfronts. Members were advised that DVA's *ENews* was designed to be loaded into ESO publications. ESORT Members were encouraged to provide feedback regarding the initiatives undertaken to support and educate individuals who seek access to information from Defence and DVA.

The President of the Australian Peacekeeper and Peacemaker Veterans' Association enquired how veterans who do not use computers would access information and DVA advised of the non website channels including 1800VETERAN, factsheets and publications such as VETAFFAIRS but welcomed additional recommendations.

Members discussed the next Royal Commission (RC) hearings that are scheduled to occur in Western Australia in May and the Australian Special Air Service (SAS) Association representative raised the mistrust SAS Afghanistan veterans have in the RC and its processes, outlining five key issues that have contributed to serious mental health and wellbeing issues and suicidal ideation for retired SAS personnel.

No.	Action	Assigned to
2023ESORT/A15	Include ESORT Members in DVA's external communications to stakeholders notifying them of the initiatives DVA has introduced in response to the Recommendations 9-13 of the Royal Commission's Interim Report.	Royal Commission Implementation
2023ESORT/A16	Arrange for <i>ENews</i> to be circulated to ESORT Members for distribution to their organisation's membership.	Stakeholder Engagement
2023ESORT/A17	DVA to arrange a meeting with the President, Australian Peacekeeper and Peacemaker Veterans' Association to discuss how veterans who do not use computers can access information.	Royal Commission Implementation

Agenda Item 8 Member Submission: Advocacy Services Charging Veterans

The Vietnam Veterans' Federation of Australia representative raised concerns around fee-for-service claims consultancies targeting the veteran community and current serving ADF members.

DVA acknowledges awareness of businesses charging veterans for providing consultation and "advocacy services". Some are taking a percentage of the lump sum/s from compensation claim outcomes (such as 5% of the lump sum compensation for permanent impairment or a percentage that varies depending on the payment size), while others also charge an amount for each condition claimed. It was agreed that this requires further discussion and a dedication session will be held to discuss Advocacy Services and reform prior to the ESORT Budget briefing scheduled for 9 May 2023.

No.	Action	Assigned to
2023ESORT/A18	Advocacy Services and reform session to be held prior to the ESORT Budget briefing scheduled to be held on 9 May 2023.	Secretariat

Agenda Item 9 Member Submission – GPs and the White Card

The Vietnam Veterans Association of Australia representative raised concerns that General Practitioners (GPs) are no longer accepting the DVA White Card and are charging veterans the full consultation amount.

DVA is aware of recent reports that a group of three general practices in Canberra have indicated they will no longer accept DVA rates for White Card holders and will instead charge these veterans under the Medicare Benefits Schedule (MBS) arrangements, which means these veterans will need to pay a gap. While these decisions are unfortunate, it is a business decision for the individual provider concerned.

In 2021-22, there were nearly 35,000 GPs who provided more than 1.2 million services to 141,130 Veteran Card holders.

In general, DVA pays a rate higher than the equivalent MBS fee. For GPs, the fee is 115 percent of the MBS fee. In return for higher rates, providers are not permitted to charge DVA clients a gap fee. GPs can also claim an additional Veteran Access Payment (VAP) for services delivered to DVA clients. For a provider in a metropolitan area, the total of the DVA fee plus the Veterans' Access Payment incentive for a consultation of up to 20 minutes is \$53.50. Where there are exceptional clinical circumstances, a health care provider may also request, through prior financial authorisation, that DVA fund a service above the scheduled fee.

If a DVA client wishes to find a GP, the best starting point is to contact GPs in their area to check whether they accept the Veteran Card. If a DVA cardholder is having ongoing difficulties finding a health care provider themselves, then they are able to contact DVA for assistance in locating GPs in their area that have accepted a Veteran Card within the last 12 months.

Increasing health provider fees is ultimately a decision for Government, and would need to be considered in the context of the Budget process.

The TPI Federation of Australia representative asked what veterans can do if they have to pay a gap for services. DVA advised that a veteran with out-of-pocket expenses may be able to claim reimbursement under the [Medical Expenses Privately Incurred](#) provisions, but this would likely only be for the first cost incurred and is not guaranteed.

The TPI representative also sought clarification on the number of psychiatrists across Australia that accept DVA Veteran Cards for treatment costs.

No.	Action	Assigned to
2023ESORT/A19	DVA to advise ESORT Members of the number of psychiatrists across Australia that accept DVA Veteran Cards for treatment costs.	Veteran & Family Policy

Agenda Item 10 Other Business

Members **AGREED** to invite United Nations & Overseas Policing Association of Australia (UNOPAA) to present to ESORT at its next full meeting, currently scheduled for 18 October 2023.

Members **AGREED** to the Secretariat facilitating a presentation from the Attorney-General's Department regarding the review of the Administrative Appeals Tribunal (AAT), to be held on 8 May 2023, prior to the ESORT Budget briefing.

Members **AGREED** the departmental response to Member Submission – Advocacy, from the Vietnam Veterans Association of Australia, will be addressed in further detail at the next ESORT meeting.

The meeting closed at 3:00pm.

No.	DECISION
2023ESORT/D02	Invite United Nations & Overseas Policing Association of Australia (UNOPAA) to present to ESORT at its next full meeting, currently scheduled for 18 October 2023.
2023ESORT/D03	Facilitate a presentation from the Attorney-General's Department regarding the review of the Administrative Appeals Tribunal (AAT), to be held on 8 May 2023.
2023ESORT/D03	ESORT will meet on 9 May 2023 to discuss Advocacy Services and reform in detail.

Annexure A

Members	
Ms Alison Frame	Chair, President, Repatriation Commission and Chair, Military Rehabilitation and Compensation Commission (MRCC)
Ms Kate Pope PSM	Deputy President, Repatriation Commission and MRCC Member
Ms Gwen Cherne	Veteran Family Advocate Commissioner, MRCC Member
Mr Don Spinks AM	Repatriation Commissioner and MRCC Member
MAJGEN Wade Stothart DSC AM CSC	MRCC, Department of Defence
Dr Michael Drew	MRCC, Department of Defence (<i>proxy for RADM Sharkey</i>)
Mr Bill Roberts OAM JP	Vietnam Veterans' Federation of Australia
BRIG Michael Annett CSC	Defence Reserves Association (<i>Incoming member</i>)
MAJGEN Paul Irving AM PSM RFD (Retd)	Defence Reserves Association (<i>Outgoing member</i>)
Ms Pat McCabe OAM	TPI Federation of Australia
Ms Narelle Bromhead OAM	The Partners of Veterans Association of Australia Inc
Ms Jenny Gregory	Australian War Widows Inc
Mr Max Ball	Vietnam Veterans Association of Australia
Mr David Manolas	Naval Association of Australia
The Hon Martin Hamilton-Smith	Australian Special Air Service Association
Group Captain Carl Schiller OAM CSM (Retd)	Air Force Association
Mr Mike von Berg MC OAM	Royal Australian Regiment Corporation
Ms Sandi Laaksonen-Sherrin	Defence Families Australia
Ms Del Gaudry CSC	Defence Force Welfare Association
Mr Ian Lindgren	Australian Peacekeeper and Peacemaker Veterans' Association
Mr Eric Easterbrook OAM	Legacy Australia Inc
MAJGEN Greg Melick AO RFD SC	The Returned & Services League of Australia
Mr John King	The Returned & Services League of Australia (ACT Branch)
Other Attendees	
Ms Leanne Cameron	A/g Deputy Secretary, Veteran & Family Services Group
Ms Rachel Goddard	A/g Deputy Secretary, Enabling Services & Commemorations Group
Presenters	
Ms Rachel Goddard	A/g Deputy Secretary, Enabling Services & Commemorations Group
Ms Natasha Cole	First Assistant Secretary, Client Benefits Division
Ms Veronica Hancock	First Assistant Secretary, Veteran Family Policy
Mr Mark Harrigan	First Assistant Secretary, Royal Commission Implementation
Ms Susan Pullar	A/g Assistant Secretary, Client Access & Rehabilitation
Ms Laura Sham	A/g First Assistant Secretary, Commemorations & Transformation
Ms Daayna Breheny	Department of Defence
Ms Alana Scheiffers	CSC
Mr Adam Hawkins	Department of Treasury

Observers	
Ms Liane Pettitt	Chief of Staff/ Assistant Secretary Parliamentary and Governance
Mr Rob S	Director, Veteran Family Engagement Commissioner Group
Mr Glen F	Veteran Engagement Advisor, Veteran Engagement Commissioner Group
Mr Mark Harrigan	First Assistant Secretary, Royal Commission, Inquiries & Implementation Taskforce
Ms Bev Benorath	The Partners of Veterans Association of Australia Inc.
Ms Alison McLaren	First Assistant Secretary, Stakeholder Engagement and Communications Division
Mr Brian Eastman	A/g Assistant Secretary, Policy Development Branch
Ms Wendy C	Director, Benefits & Payments
Apologies	
RADM Sarah Sharkey AM CSC RAN	MRCC, Department of Defence
Mr Stuart Smith AO DSC	Deputy Secretary, Veteran & Family Services Group
Secretariat	
Ms Belinda B	Director, Governance & Ministerial Events Section (GMES)
Ms Kylie R	Assistance Director , GMES
Ms Meredith W	Senior Secretariat Officer, GMES
Ms Kaitlyn G	Secretariat Support Officer, GMES