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5 Feb 19

The HONOURABLE MEMBERS OF PRODUCTIVITY COMMISSION
Veterans Compensation and Rehabilitation Inquiry
Productivity Commission
GPO Box 1428
CANBERRA
ACT 2604

Dear Sirs

Reference 1. A Better Way to Support Veterans draft report of Dec 2018.

2. My initial submission of the 22 Jun 2018 recorded as sub 050

I wish to make a supplementary submission in relation to the above reference 1,

Part 17 "Bring it all together"

page 642

'An exception – the pre 1988 Commonwealth workers' compensation legislation'

pages 643/4

'Compensation for permanent impairment is based on a 'table of mains''

'Table of Maims' not a coverall

An actual situation (My Case).

The 'table of mains' does not cover my permanent injuries (50 years of suffering).

'The Table of Mains' does not cover Brain Trauma/Brain Damage (a accepted condition for compensation by the Department of Defence on the 2nd June 1992).

This condition was one of the results of an accident (while carrying a military order) where I received head (skull) fractures, concussion and fluid (including blood) coming from my ear and nose. Recent research in the USA has revealed the concussion/head injuries do not pose a bright and happy prognosis for an individual in their old age. I have/do suffer periodic shaking events of increased intensity since my accident in 1968.

The 'table of mains' does not include skull fractures/brain damage/concussion and (after effects)/headaches/neck and shoulder damage/tinnitus and shakes so I receive no compensation for such disabilities.

The 1930 Act provided weekly compensation payments to cover such disabilities. This payment was for life until the 1988 Act stopped payments to some ex members on turning 65 years (no grandfathering in my case while others continued to receive payments after turning 65 years). (Refer to Case Study attached).

Throughout your report you have **emphasized the importance of grandfathering veterans existing rights/benefits.**

Page 644; At the top of this page the commission states-

‘Veterans who would receive compensation under pre 1988 Commonwealth workers’ compensation Acts should remain covered by these schemes for their injuries. These provisions would be included in the modified MRCA.’

Does that mean because my disabilities are covered by the 1930 Act, I can expect my weekly payments to be restored and backdated, because that was the form of compensation paid to veterans who had disabilities that did not appear in the ‘table of mains’? **I Thank you.**

I refer you to **page 9 Figure 3** (and after points) of your report shows disability pensions for permanent impairment payments ‘receive lifetime payment under the MRCA’. Why are the pre-1988 Acts lifetime payments not grandfathered for all who were receiving such compensation payments under pre-1988 Acts, but had them stopped at age 65?

If this is **not** the case this means that the commission does not want veterans to have payment for the disabilities covered by the pre-1988 Acts.

Such veterans have been **‘got at in two ways’**.

- a. No payment because the disability does not appear in a ‘table of mains’
- b. No weekly payment (as was their right under the pre- 1988 Acts) for some, because the 1988 Act stopped payments for them (not all grandfathered) on reaching 65 years after 2008. (refer to original submission for formula).

*Asked of yourselves? “Did the legislative changes enabled by the 1988 Act provide **Sound, Equitable and Just** recompense for this former member who ^{was} ~~were~~ forced by his age and by his circumstance to live an unfulfilling life. Then at age 65 have **‘no consideration’** when health and circumstance require such **consideration**”. I was disabled while carrying out an **order** from a superior. An action for which I had **‘no specific training’** (Fighting a bush fire when a very large tree fell on me, changing my health and my personality for ever).*

The 1988 Act should have only stopped payment on attaining 65 for those who were injured after the Act was enacted.

I thank you for your indulgence and time.

Yours faithfully

(D Green)

Attached: A CASE STUDY for justice, equity and sound legislation

A CASE STUDY for justice, equity and sound legislation

Consider the following when considering my submission.

Two service members both seriously injured in the same accident while on a training exercise in 1968.

The injuries are very similar.

Both covered by the 1930 Act.

Both are medically discharged and receive weekly compensation payments.

A is 45 years old, born in 1923.

B is 23 years old, born in 1945.

A turns 65 in 1988

B turns 65 in 2010

A is receiving weekly compensation payments at the present time.

B weekly compensation payments ceased in 2010 when turned 65.

Payment time frame

A still receiving payments currently has received weekly payments for 46+ years

B whose payments stopped in 2010 received weekly payment for 38 years.

Both injured in same accident

Both received similar injuries

Both covered by the 1930 Act

Both medically discharged in same year.

Both receive weekly compensation payments

One is currently receiving compensation the others was stopped in 2010 on turning 65 years.

*Has the 1988 Act been **just, equitable and sound** to **B** to date because of the Age discrimination legislated in the 1988 Act he has not been paid weekly compensation since 2010 while **A** has?*