

# List of recommendations

## Recommendation 1: Simplify and harmonise veteran compensation and rehabilitation legislation

The Australian Government should develop and implement legislation to simplify and harmonise the framework for veterans' compensation, rehabilitation and other entitlements. To this end:

- (1) By no later than 23 December 2022, the Australian Government should:
  - (a) accept or reject recommendations made by the Productivity Commission in its report, *A Better Way to Support Veterans*, that relate to reforming the legislative framework
  - (b) if it rejects Productivity Commission recommendations 8.1, 8.4, 13.1, 14.1 and 19.1, adopt alternatives that will achieve similar or better levels of harmonisation and simplification of the legislative framework, and
  - (c) identify and decide all other policy questions relevant to designing a harmonised and simplified legislative framework.
- (2) By no later than 22 December 2023, the Australian Government should complete drafting of the legislation.
- (3) By no later than early 2024, the Australian Government should present to the Parliament, and seek passage of, its Bill for the proposed framework.
- (4) If the legislation is passed, the Australian Government should, by no later than 1 July 2024, begin the process of implementing and transitioning to the new legislative framework.
- (5) If the legislation is passed, the Australian Government should ensure that, by no later than 1 July 2025, the new legislation has fully commenced and is fully operational. (This does not preclude setting later deadlines for any choices that might need to be made by veterans.)
- (6) The Australian Government should allocate to the Department of Veterans' Affairs (DVA), the Office of Parliamentary Counsel and other relevant agencies adequate resources to design, prepare, draft and implement the proposed legislation within the timeframes above, and to administer the new legislation once it has commenced. The allocation of these resources to DVA should not be offset by reductions in other resourcing of DVA.

## Recommendation 2: Eliminate the claims backlog

The Department of Veterans' Affairs (DVA) should eliminate the backlog of claims under the *Veterans' Entitlements Act 1986* (Cth), the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (Cth) and the *Military Rehabilitation and Compensation Act 2004* (Cth) by 31 March 2024. To this end:

- (1) DVA should accurately advise the Australian Government on the resourcing that it needs to eliminate the claims backlog by 31 March 2024.
- (2) The Australian Government should provide DVA with the resources it needs to eliminate the claims backlog by 31 March 2024. The allocation of these resources to DVA should not be offset by reductions in other resourcing of DVA.
- (3) Leading up to 31 March 2024, DVA should undertake regular monitoring of claims and other data, to check whether the elimination of the backlog is on track.
- (4) Leading up to 31 March 2024, the Australian Government and DVA should implement corrective action(s) if the elimination of the backlog is not on track. DVA should monitor the effectiveness of corrective actions taken.
- (5) DVA should routinely, publicly and meaningfully report on its progress in reducing the claims backlog and claim processing times.
- (6) DVA should ensure that efforts to reduce the backlog do not reduce the quality of decisions made about claims, and do not adversely affect veterans' experiences of the claims process.

### **Recommendation 3: Improve the administration of the claims system**

The Australian Government should improve the administration of the Department of Veterans' Affairs (DVA) claims system by 1 July 2024. The changes pursued should aim to improve veterans' experience of the claims system, remove complexity from the system and enhance efficiency in claims processing. To this end:

- (1) DVA, having taken account of the advice received from McKinsey & Company and other relevant sources, should advise the Australian Government about potential measures it could include within a program of work aimed at improving the administration of the claims system.
- (2) The Australian Government and DVA should decide upon the improvement measures to be undertaken within the program of work.
- (3) The Australian Government should provide DVA, and any other relevant agencies, with the resources needed to implement the agreed program of work. The allocation of these resources to DVA should not be offset by reductions in other resourcing of DVA.
- (4) The Australian Government should seek passage of any legislative amendments required to implement the agreed program of work.
- (5) DVA, and any other relevant agencies, should implement the program of work by 1 July 2024.
- (6) DVA should publicly report on progress towards implementing the program of work on a quarterly basis.
- (7) DVA should publicly report on the expected benefit of each measure included within the program of work, and, once implemented, report on the degree to which each benefit has been realised.

#### **Recommendation 4: The Department of Veterans' Affairs to provide advice on its funding needs**

The Department of Veterans' Affairs (DVA) should provide advice to the Australian Government about its funding needs. To this end:

- (1) By 31 March 2023, and at least twice per year thereafter, DVA should provide advice to the Australian Government about:
  - (a) its future departmental funding needs, and
  - (b) factors leading to uncertainty about DVA's future departmental funding needs.
- (2) The Australian Government should use this advice to inform the departmental funding it provides to DVA.
- (3) The Australian Government should provide any resources to DVA, and any other relevant agencies, to enable DVA to provide adequate advice regarding its future funding needs as specified above. The allocation of these resources to DVA should not be offset by reductions in other resourcing of DVA.

#### **Recommendation 5: Remove the Department of Veterans' Affairs Average Staffing Level Cap**

The Australian Government should remove, on a permanent basis, the application of the Average Staffing Level (ASL) cap policy on the Department of Veterans' Affairs.

### **Recommendation 6: Increase protections for persons engaging with this Royal Commission**

The Australian Government should work closely with this Royal Commission to design urgently an amendment or series of legislative amendments that provide protections for persons who wish to provide relevant information to this Royal Commission, including the two following cohorts:

- (1) For serving ADF members disclosing sensitive personal information who are currently, and intend to remain, in service, similar protections to section 60P of the *Royal Commissions Act 1902* (Cth) should be introduced.
- (2) For serving and ex-serving ADF members whose lived experience is intrinsically linked to security classified or operationally sensitive information, the defence available under the Criminal Code section 122.5(5) should be extended to cover information communicated to a Royal Commission. A defence to other secrecy offences will also be needed.

### **Recommendation 7: Provide exemption from parliamentary privilege**

Where their terms of reference require an examination of government, Royal Commissions should be made exempt from section 16(3)(c) of the *Parliamentary Privileges Act 1987* (Cth).

### **Recommendation 8: Limit public interest immunity claims**

The Australian Government should reform immediately policies and practices related to public interest immunity to limit claims to where there is a specific harm contemplated from disclosure to Royal Commissions. Where there is uncertainty about potential harm, mechanisms within the *Royal Commissions Act 1902* (Cth) should be used to support the production of the document or information.

### **Recommendation 9: Improve administrative release of information**

The Australian Government should:

- (1) by March 2023, produce and publish administrative release guidelines to better support applicants to access information held by the Department of Veterans' Affairs and Defence, and
- (2) immediately prioritise use of administrative release and proactively work with applicants to facilitate access via this process, including following a request for information under the *Freedom of Information Act 1982* (Cth) and the *Privacy Act 1988* (Cth) – but without delaying or restricting processes under either of these Acts.

### **Recommendation 10: Co-design information to increase awareness of redactions for access requests**

The Australian Government should engage with serving and ex-serving Australian Defence Force (ADF) members and their families to complete by March 2023 co-design information to raise the awareness of redaction and how it might apply to information provided to applicants seeking information from Defence or the Department of Veterans' Affairs under all information access request mechanisms.

**Recommendation 11: Embed trauma-informed practices for information access**

Trauma-informed practices should be embedded in Defence and the Department of Veterans' Affairs (DVA) interactions with individuals seeking information from either department. These trauma-informed practices should form part of ongoing training for relevant personnel in each department.

Where possible, there should be a single point of contact within each of Defence and DVA to provide continuity and consistency to applicants seeking information from within each agency.

**Recommendation 12: Encourage up-to-date consent for information access**

By March 2023, the Australian Government should increase the number of opportunities for serving or ex-serving ADF members to provide or amend their consent to disclose, information to family members or nominated representatives.

**Recommendation 13: Co-design education on information access mechanisms**

The Australian Government should engage with serving and ex-serving ADF members and their families in order to complete, by March 2023, co-designed education material on information access mechanisms used by Defence and the Department of Veterans' Affairs (DVA). Educational material should be targeted to serving and ex-serving ADF members and their families.

