

TRAINING & INFORMATION PROGRAM [TIP]

TIP National Chairman

John Printz OAM

PO Box 902, Sale, Victoria, 3850

[Fax] 03 5143 1889 [Office] 03 5143 1633 [Mobile] 0438 441712

E-Mail: vetcensalejp@netspace.net.au

NATIONAL TRAINING ADVICE and/or HANDOUT [1/2008]

Amendment No 2-As at: 27 Nov 2008.

VOLUNTEERING & DVA PENSIONS

Introduction

1. From time to time the TIP National Chairman will distribute papers that refer to Training Policy and Training Handouts which are to be used in TIP State Training to promote consistency of information.

Preamble

2. There has always been a rehabilitation process in the volunteer work given by DVA pensioners, and acknowledged by succeeding Ministers. With the introduction of MRCA 2004 there has been doubt about the protection of pensions under a more 'workers Compensation' Type legislation

Aim

3. The aim of this paper is to distribute the current Minister of Veterans Affairs decision on this subject.

FACTS

- Voluntary work for an ex-service organisation does not mean that a person has the capacity to do paid work
- No 'Special Rate [T&PI] Pensioner' undertaking voluntary work has been affected by action taken by the DVA – Confirmed by a review of the department's records back to July 2005.
- DVA regards voluntary work in the same way for all three Acts it administers, the Veterans' Entitlement Act 1986 [VEA], The Safety, Rehabilitation Compensation Act 1988 [SRCA] and the Military Rehabilitation and Compensation Act 2004 [MRCA]
- There is no legislated definition of voluntary work in all of these Acts. However, in policy terms, voluntary work is defined as unpaid work for a recognised community or welfare organisation
- References in SRCA and MRCA legislation to "capacity for rehabilitation" or "capacity for work" do not automatically translate to mean that a person who is undertaking voluntary work has the capacity to do paid work
- DVA encourages veterans and members of the ex-service community to volunteer to assist community and welfare groups. Many thousands of veterans and members provide immeasurable support to ex-service organisations and other charities. Studies have also shown that volunteering has physical, psychological and social benefits.
- Undertaking voluntary work of this nature does not trigger a reassessment of benefits under the three Acts. It is accepted that the conditions of engagement in volunteering cannot necessarily be equated to remunerative work given the volunteer generally works at their own pace and time and is not to be subject to the conditions normally applied to paid employment.

VOLUNTARY WORK – BENEFITS

- **Recipients of pensions or benefits should be aware of how some other voluntary work may affect their benefits. Unpaid work for family, friends or a business enterprise formed for the purposes of making a profit is not classified as voluntary work.**

- EXAMPLE: a recipient of incapacity payments and/or certain disability pensions, who work several hours in a job that aims to make a profit may be found to be able to undertake paid work, and therefore ineligible for their current rate of pension.
- The same pensioner volunteering as an advocate, pension or welfare officer would not be deemed capable of paid work, other than for circumstances listed below.

INCAPACITY PAYMENTS-REVIEWS

- Under the MRCA and SRCA, incapacity payments are regularly reviewed. The review assesses a person's ability to earn during the period and is based on rehabilitation and specialist medical assessments. The assessments take into account physical and mental capacities, skills and training, work history, age and so on.
- Voluntary work is not a trigger for the review and does not of itself imply that someone is able to undertake remunerative work. In fact, voluntary work with a community or welfare group is most often beneficial to a person's wellbeing.
- Where a person has been reviewed both medically and undertaken a rehabilitation assessment and is subsequently seen as capable of undertaking paid work, a decision to undertake voluntary work, in lieu of paid work, is not to be seen as a way of diminishing the intent of the rehabilitation process or as a way of preserving incapacity payments.

If a situation arises that a Delegate of the Repatriation Commission and/or the Military Rehabilitation Compensation Commission is considering deeming ability to work on the basis of voluntary work a case conference MUST be convened between a Manager and the client's representative, prior to any decision

CONTACT / FURTHER INFORMATION

4. If a person is concerned about their voluntary work, or their plans to undertake voluntary work, they can contact the DVA for advice on 133254,

or

The TIP Chairman in their state.



John Printz OAM
TIP National Chairman

0438441712
vetcensalejp@netspace.net.au