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# DEFENDING THE DEFENDERS

## Defence Injuries, Disease and Death:

### Your Entitlements and Benefits

Whilst serving in the Australian Defence Force (ADF) is one of the highest honours you can perform on behalf of your country, it is inherently dangerous and can expose you to the risk of injury, disease and in the worst-case scenario, death.

For past and current members of the ADF who incur an injury, disease or death, financial assistance is there for you and your family. Compensation is payable under the *Safety Rehabilitation and Compensation Act 1988* (SRCA) prior to 1 July 2004. Whilst it won't remove the pain, it can assist you and your family for the rest of your life.

The Department of Veterans' Affairs (DVA) administers the SRCA. The scheme is run by *Military Compensation and Rehabilitation Services (MCRS)* and covers you if you are a:

1. Permanent member of the ADF
2. Reserve Force Member (Including Ready Reserve)
3. Officers or an Instructor of Cadets
4. Cadet or ADFA member

As a current or former member of the ADF, you may have rights and entitlements to other compensation schemes for your injury or disease. This includes the *Department of Veterans' Affairs (DVA)* pursuant to the *Veterans' Entitlement Act 1986* (VEA). That depends on your period of service, where you served and whether your injury or disease falls within the legislation.

**For injuries and diseases sustained by current or former ADF members after 1 July 2004 their entitlements, together with their spouse and dependants are covered by the new Military Rehabilitation and Compensation Scheme (MRCS). The benefits payable pursuant to the MRCS are governed by the *Military Rehabilitation and Compensation Act 2004*.**

The information contained in this brochure is only applicable for injuries and diseases that arose **before 1 July 2004** and covered under the SRCA.

There is also Commonwealth Superannuation Benefits (*ComSuper*) that may pay a pension under the DFRDB or MSBS Scheme.

In some cases, depending on the circumstances of your injury and whether you are permanently injured, you may be eligible for a lump sum payment through either the “no fault” MCRS Scheme or a Common Law claim for negligence.

To obtain any benefit or a combination of benefits payable, you must know your rights AND that your lawyer has the experience of dealing with not only MCRS, but also DVA and *ComSuper*.

You WILL need a lawyer if you believe that there was any negligence whether medical, or from a defective manufacturer’s faulty product, an unsafe system of work, or a motor vehicle accident, and want to pursue a common law lump sum.

KCI Lawyers provide the expertise and knowledge to co-ordinate your claim, assist you to obtain benefits from MCRS and explain other benefits payable from other compensation schemes. This brochure will provide you with an overview of benefits payable by MCRS.

You can contact KCI Lawyers to reduce the delays and make lodging a claim with MCRS not only easier but most importantly safeguard your rights and entitlements by carefully explaining all of your compensation options.

## Does the ADF Cover Me “24 Hours a Day” If I’m Injured?

Every ADF member knows that they have to be fit and capable of being deployed anytime anywhere as part of their commitment to serving. However you are not covered for an injury or disease unless it has occurred:

1. While at work or on a normal break.
2. While travelling to and from your place of work or within a recess or interval.
3. While training at an approved Centre.
4. While playing sport or physical training connected with the ADF.
5. Due to the unintended consequence of medical treatment the ADF has provided and paid for; and
6. While on exercise or on overseas deployment.

The circumstances of your injury or disease might vary significantly. Sometimes an MCRS claim for an injury or disease may be rejected if, for example, it happened at home ie stroke or heart attack or you cannot remember if you were exposed to a chemical or dangerous substance that may have caused your disease.

KCI Lawyers will carefully consider all the circumstances of your claim to see if there is a connection with your ADF service that may have caused or contributed to your condition.

## Lodging a Claim - What is needed?

Once you have decided to lodge a compensation claim and whether you are serving or not, you are required to:

1. Complete a *Claim for Compensation and Rehabilitation Form* (a DT020 - formerly the AB168 Form). Remember to fill in all the questions.
2. Attach any relevant service medical records that you have or that you can obtain. If you are not a serving member of the ADF you can make a written request to the ADF Health Services for a copy of your documents.
3. Attach any report of injury and witness reports completed at the time that you were injured IF you have them. (AC 563 Incident and Fatality Report should be included.)
4. Include a statement describing how you believe your injury or disease arose from your ADF Employment.
5. Any other medical reports that you may have from civilian doctors if you are no longer serving. Once you have completed the Compensation Claim Form you should send it and other relevant documents to your regional MCRS office.

KCI Lawyers can assist you to complete the claim, draft a Statement, obtain the relevant information and lodge the MCRS claim.

Getting it right the first time will reduce delays and getting the right advice if your claim is rejected is your safeguard to not being denied benefits you deserve.

## What Happens Next?

MCRS will confirm receiving your Compensation Claim and may request further information. You have an obligation to assist them to obtain information that is reasonable and relevant in support of your claim. There are no time limits for MCRS to make a decision.

If your claim is accepted MCRS will send you a Benefit Election Form (BEF). This form provides a general outline of the benefits payable. Once you indicate on the BEF what benefits you are seeking, send it back to MCRS. MCRS will then investigate your entitlement and advise you in writing of their responses.

KCI Lawyers will explain what you need to support any claims and accelerate the assessment of your claim.

## Will MCRS Advise Me of My Right to Sue for Negligence?

If you believe your injury or disease has been caused by the Commonwealth or a third party's negligence whilst you are serving, MCRS are under no obligation to advise you of your right to issue common law proceedings, the time limits involved, or whether it is reasonable for you to consider such action.

KCI Lawyers will consider your common law rights and outline the steps required to pursue them on your or your family's behalf.

## What If MCRS Reject My Claim or a Particular Benefit?

MCRS must advise you in writing of their decision. This is called a "*Determination*".

If your claim is rejected you have a right to request a reconsideration of the MCRS Decision. You must make your request in writing and within 30 days from receiving the Determination.

Your written request to have the Determination reviewed is called "*Reconsideration*".

After MCRS reconsider your written reasons why you are unhappy with their Determination you will receive a written response called a "*Reviewable Decision*".

If you are still dissatisfied with the response from MCRS you have 60 days from the date of the *Reviewable Decision* to lodge an Application for a review to the *Federal Administrative Appeals Tribunal (AAT)*.

If you do not make an Application to the AAT within 60 days you must make a separate Application and give reasons why the AAT should extend the time limit after the initial 60 days has expired.

KCI will consider any Determination or Reviewable Decision even if the time limits have expired and give you a written assessment of the medical, factual and legal considerations of your rights to continue with your appeal.

That's our "no obligation - no cost" minimum guarantee.

## What are my MCRS benefits?

If your claim for injury or disease is accepted, you may be entitled to the following MCRS Benefits:

### 1. Weekly Payments

If you are incapacitated for ADF Service or civilian employment as a result of your injury or disease you may be eligible for the following weekly payments:

Your Normal Weekly Earnings for the first 45 weeks of incapacity.

- a. If you are serving and have not received an allowance ie; Seagoing or Field Allowance or have not been able to obtain a Rank or Promotion because of your injury, MCRS may pay the loss of the allowance or the difference in pay between your current rank and what you may have been promoted to.
- b. If you are incapacitated for more that 45 weeks after discharge you will receive 75% of your Normal Weekly Earnings (maximum payment of \$1,440.00\*).
- c. If you are discharged and can work in alternative part time employment, you can receive a top up between what you can earn and your Normal Weekly Earnings between 80% and 100%.

### Reserves - Normal Weekly Earnings.

The calculation of your salary for compensation depends on whether you were on part time or continuous full time service at the time of your injury or disease.

#### (a) Reserve Force - Continuous Full Time Service

If you are in the Reserves but on Continuous Full Time Service, your incapacity payment is your Military Salary plus any allowances you were paid prior to your injury or disease.

#### (b) Reserve Force - Part Time Service

If at the time of injury or disease arising you are on part time service, your incapacity payment is your Military salary and your normal weekly civilian salary (if applicable) prior to the injury or disease.

#### (c) Reserve Force - Ready Reserve

The amount payable to Ready Reserves is calculated as the same for those in the Reserve Force - Part Time Service.

### 2. Medical Treatment

MCRS will pay all reasonable medical, hospital, pharmaceutical or other treatment you require due to your injury or disease. Generally whilst you are serving, the ADF will accept responsibility for all medical treatment you require. In some cases you might require treatment from outside the ADF, for example, physiotherapy or psychological treatment.

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\* As at 1 July 2003 and indexed annually with effect from 1 July

### **3. Household Services**

If your disease or injury stops you from being able to do the normal household services which you have previously undertaken, eg; cooking, house cleaning, gardening and laundry, you can request the cost of obtaining these services from MCRS. The maximum payable is \$343.74\* per week.

KCI Lawyers can consider your particular circumstances and whether may be able to request MCRS to pay for someone to provide these services.

### **4. Attendant Care Services**

If the circumstances of your injury or disease requires someone to provide attendant care services, for example washing, dressing, medicating and so forth, the expenses for the assistance are payable by MCRS.

The maximum payable is \$343.74 per week\*.

In some cases if your spouse is providing the services that you reasonably require, MCRS may pay your spouse the cost of the attendant care service. KCI Lawyers can assess your needs and your spouse may be entitled to the payment of the allowance.

### **5. Rehabilitation**

If your injury or disease affects your ability to undertake civilian employment, MCRS place a major focus on assisting you to return to alternative employment. This is called rehabilitation and the amount you receive depends on the nature and severity of your medical condition.

The MCRS assessment will involve consulting with you, your treating doctors and a rehabilitation provider to assist you to return to alternative civilian employment through a rehabilitation program.

The program is an important legal document as you are agreeing to abide by the terms and conditions. It should include any modifications or restrictions you require in the workplace to make the return to work easier.

If you unreasonably refuse to accept the plan or continue with it your MCRS benefits may be suspended. If your compensation benefits are affected you should contact KCI Lawyers to investigate if you were "unreasonable" and to challenge the decision.

### **6. Death Benefits**

In the event of an ADF injury or disease resulting in death of the member, the spouse and the dependants of the ADF member may be eligible for a compensation payment. The maximum payable is \$247,837.13.

#### **a. DEATH BENEFIT - Dependent Benefits**

An amount of \$68.73\* per week per child is payable together with an additional lump sum of \$61,959.29\* for each dependant child.

#### **b. DEATH BENEFIT - Funeral Expenses**

The amount payable for the reasonable cost of funeral expenses is \$4,761.08\*.

\* As at 1 July 2005 and indexed annually with effect from 1 July

## **7. Pain and Suffering - Lump Sum**

If your injury or disease results in you having a permanent impairment, you may be eligible for a lump sum payment. This is payable on top of any other MCRS benefits that you might be receiving.

The complication arises if you are receiving benefits from DVA for a Pension, which may then be "offset". That is; your DVA Pension and lump sum payment will be reduced using a DVA formula. The main thing is to make an informed decision by asking KCI Lawyers to investigate the best combination of MCRS / DVA benefits.

### **a. Minimum 10% Whole Person Impairment**

MCRS must first assess that you have a 10% Whole Person Impairment using a specific Guide. A doctor must do the assessment. The maximum payable for Whole Person Impairment is \$137,501.12\*. Therefore a 10% Whole Person Impairment equals \$13,750.11\*.

### **b. Pain and Suffering - Non Economic Loss**

If MCRS determine that you are entitled to a minimum 10% Whole Person Impairment, you must then complete a Non Economic Loss (NEL) questionnaire. The NEL questionnaire is used to determine the additional payment for the pain and suffering associated with your Whole Person Impairment. The maximum payable for the NEL is \$25,781.48\*.

### **c. Can I Review The Lump Sum Payment?**

If you are unhappy with the assessment of your Whole Person Impairment, for example, if MCRS say that you have less than 10% Whole Person Impairment or you believe your level of impairment is higher than 10%, KCI Lawyers can request that MCRS reconsider and reassess your condition by obtaining additional medical and other evidence.

If MCRS refuse to accept some or all of your answers in the NEL questionnaire it will result in the reduction of the lump sum payable. KCI Lawyers can request a reconsideration of any unreasonable reduction to your NEL questionnaire and insist that you receive the lump sum that reflects your level of pain and suffering.

### **d. Lump Sum Election**

If MCRS offer you a Lump sum you must make an election in writing to either accept the "no fault" lump sum or to pursue a common law claim for negligence.

The maximum you can receive for a common law claim is \$110,000.00.

Once you decide to make the election to reject the "no fault" MCRS lump sum to pursue a common law claim, you cannot change your mind and vice versa. Your election is irrevocable.

KCI Lawyers can assist you with making a fully informed decision

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\* As at 1 July 2005 and indexed annually with effect from 1 July

## **8. Common Law - Lump Sum Claims**

If you believe your injury has occurred because of a negligent act or omission, medical negligence, a faulty product whilst in the ADF or caused by a third party it is important that you get the right legal advice to make sure you and your family are not missing out on the compensation you deserve.

Before you can pursue your rights there are a number of things you must consider:

### **a. Time Limits**

Generally you must pursue a common law claim within a three or six-year time limit depending on which State or Territory your injury arose and the date that it manifested as the time limit may have changed. In some cases you can ask a Court to extend the time limit depending on a number of factors. You are also bound by the laws of the State or Territory regarding your common law rights.

You will need a lawyer to consider your particular circumstances and whether you are still within the time limit or whether a court will allow you to extend the time limit if your right to sue has expired.

The decision to issue a common law claim involves greater risks than the “no fault” MCRS claim. In particular you might be liable to pay the Commonwealth’s legal costs if you are unsuccessful. Therefore you should get the right advice regarding your circumstances and whether you should pursue a claim.

### **b. Common Law Claims By ADF Families**

The family, that is, the spouse or dependants of the ADF member who has died as a result of the injury or disease, can also pursue a common law claim.

### **c. Common Law Claims - Third Party Actions**

If you are injured or your spouse has died in compensable circumstances and a third party appears to be responsible to pay damages, ie; someone other than the ADF or the Commonwealth, then you or your dependants may take Common Law action against the third party. You are not restricted to the MCRS damages limit of \$110,000.00 if you pursue such a claim.

However you must notify MCRS in writing that you are making a negligence claim against the third party. Any damages you receive are “offset” against compensation paid or payable to you or your financial dependants by MCRS or DVA if they are paying a Disability Pension.

Sometimes it might be financially better for you to make a claim against a third party as the Common law damages can be higher than the amounts that are payable by MCRS. Or you might be entitled to a combination of both MCRS and common law claim.

KCI Lawyers can advise regarding the benefits of pursuing such a claim so you can decide what is best for you.

**c. Common Law Claims - Car Accidents**

As a member of the ADF, you are covered if you sustain an injury arising from a car or motorbike accident when travelling to and from your place of service or a place reasonably connected with your service. You may have a separate claim under the particular State or Territory where your injury arose under the *Motor Vehicle Accidents Scheme*.

As your entitlement to receive benefits under both the MCRS and a State or Territory Motor Accident Scheme may involve “compensation offsetting” you will need accurate legal advice to ensure that you are not “double dipping” under MCRS-DVA and another compensation scheme.

KCI Lawyers can help to advise you of the possibility to successfully claim under a variety of schemes and to obtain a mix of benefits.

**9. Do I Have A “Severe Injury”?**

MCRS may determine that you have a severe injury if your level of Impairment is greater than 80% whole person.

If your injuries are the type that could lead to this level of impairment for example paraplegia, quadriplegia, total blindness or any other injury having a similar effect, MCRS may consider that you have a severe injury.

KCI Lawyers can consider whether you have a “severe injury” even if MCRS deny that you have by looking at all the medical evidence and circumstances. Don’t accept the first answer you get because it can be challenged and overturned.

**a. Severe Injury Adjustment (SIA) - Amount**

If your injury is considered severe you are entitled to a lump sum called a “Severe Injury Adjustment” (SIA) which is a maximum of \$247,837.13\*.

There is a further payment of \$61,959.29\* for each dependant child or your spouse.

**b. Severe Injury Adjustment (SIA) - Financial Advice**

If you receive a lump sum for a severe injury or death then you or your spouse can obtain financial advice that will be reimbursed up to a limit of \$1,239.25\*.

**10. Modification to your Home and/or Car**

MCRS may assist you with the reasonable cost of modifying your home and/or motor vehicle as a result of your injury or disease.

As it may be very expensive to modify your home and/or car, MCRS may ask for a lot of information, quotes and assessments before they agree to pay the amount involved.

KCI Lawyers can reduce the delay, co-ordinate the information required and provide you with assistance to reduce the delays.

## The ADF Mix of Benefits

As a current or former member of the ADF your injury, disease or death may give rise to more than just MCRS benefits. Whilst we can give you a general overview in this pamphlet of what those benefits are, we can not explain in detail all the requirements, time limits and any “compensation offsetting” that can arise.

If you think you may have entitlements to more than MCRS benefits you should contact KCI Lawyers to consider your circumstances and the right mix of benefits that you might not be receiving.

### (1) DVA Payments

If you are defined as a “Veteran” having eligible service which depends on your date of enlistment and discharge, the nature of your service and subject to whether your injury or disease is connected with your service, you may have a separate entitlement under the *Veterans’ Entitlement Act 1986* (VEA) to a pension, medical treatment and allowances. A general outline of benefits from DVA are:

**a. Special Rate / Service Pension / Intermediate Rate**

Totally and permanently incapable of working - \$798.80\* per fortnight.

Service pensions are payable at \$476.30\* per fortnight ( subject to asset testing) if you receive a Special Rate or Permanently Impaired pension and attain the age pension age ie; 60 and 55 for men and women respectively.

The intermediate rate is similar to the Special Rate criteria but the pensioner or recipient can work up to 20 hours a week - \$550.\* per fortnight.

**b. War Widow – Orphan’s Pension**

Paid to widowed partners and dependants of veteran’s who die as a result of war service or eligible defence service. Total payment is \$501.30 and \$48.40 per fortnight per widow and double orphan.

**c. Extreme Disability Adjustment**

Over 65 age and subject to how the condition is rated - \$452.40\* per fortnight.

**d. Disability Pension**

A Guide to assess the effects of the medical condition on your lifestyle determines the percentage of the general rate payable. The maximum pension rate - \$300\* per fortnight.

**e. Medical Treatment**

A Gold or White card is provided for treatment depending on your type of service, rate of pension and age. Certain cancers and other medical conditions such as PTSD are also paid.

**f. DVA Allowances –**

The VEA provides for Bonus scheme pension, Clothing, Attendant care, Funeral, Travelling, Pharmaceutical, Rehabilitation and numerous other benefits and allowances.

\* As at 1 July 2005. CPI Indexed twice per annum – Except Widows/orphans’ pension – Indexed January per annum

## 2. DVA - MCRS Offsetting

If eligible to claim under both MCRS and DVA and you receive a lump sum and/or incapacity payment from MCRS, there may be a “compensation offset” against payments under the VEA. That is, whilst you can be eligible to receive benefits under both MCRS and DVA Acts, you cannot receive double benefits for the same medical condition.

## 3. DVA Review Of Decisions

KCI Lawyers can advise you on your right to proceed to a review of any adverse decisions either by an internal DVA review or to the *Veterans' Review Board (VRB)* and to the *Federal Administrative Appeals Tribunal (AAT)* then the Federal court and High court if special leave is granted.

There are different time limits that apply regarding not only your right to appeal to the VRB or AAT but also to your right to a back payment of your pension if you are successful. You should ask KCI Lawyers to consider your case and the prospects of success.

KCI Lawyers can assist you to consider all of your injuries or the disease, your period of service and the mix of benefits available if you to lodge a claim for some injuries, for example, with only Veterans' Affairs or Military Compensation.

KCI Lawyers can assist you to maximise the benefits payable without “double dipping” and to consider the medical and other material from one scheme, say DVA, to see if it might assist you to lodge a claim with MCRS and vice versa.

## (2) ComSuper Payments - DFRDB /MSBS Benefits

If you are discharged as being medically unfit for further service ComSuper will make a Decision regarding the payment of Invalidation benefits under the DFRDB or the MSBS scheme depending on when you enlisted

### 1. ComSuper Pension

The benefit payable will depend on your Invalidation Classification. This classification will depend on your injury and incapacity to be employed in civilian employment taking into account such things as your skills, qualifications, level of education and capacity to be retrained into alternative civilian employment.

The benefit for an Invalidation Classification at a Class A or B level is a fortnightly pension that is based on a percentage of your Final Average Salary.

In some cases you can ask ComSuper to accept retrospectively your discharge to be a medical one instead of, for example, an administrative one. This may then entitle you to retrospectively pursue your ComSuper benefits even if it is many years after you have discharged.

As a ComSuper Class A or B fortnightly pension may effect your MCRS incapacity payments you must carefully consider your options.

## 2. ComSuper Pension Review or Denial of Benefits

ComSuper can not only deny you a fortnightly pension but review your right to continue to receive your Class A or B pension. There are time limits to Appeal an adverse decision. You must first go through an internal ComSuper review that you must request in writing within 30 days if you are in the DFRDB Scheme.

After that review is completed and you are still dissatisfied, you can appeal to either the *Superannuation Complaints Tribunal (SCT)* within 12 months from the date of the ComSuper decision, or to the Federal Administrative Appeals Tribunal, (AAT) depending on whether you are with the MSBS or DFRDB Scheme.

KCI Lawyers can look at all of the medical material at the time of and following your discharge to advise you of your rights to lodge any appeal against a ComSuper decision for a denial of a pension or subsequent reclassification from a Class A or B pension.

We can obtain material from other sources, for example; ADF Health Records, DVA or MCRS, to support any retrospective request for a medical discharge if you believe medical grounds existed at the time of your discharge that may entitle you to obtain your ComSuper pension.

## (3) Civilian Superannuation Benefits

If, for example, you are discharged and your service related condition renders you totally and permanently incapacitated from undertaking alternative civilian employment, you may be eligible to make a separate claim from your civilian Superannuation Scheme for a *Total and Permanent Disability (TPD)* benefit.

Generally you must lodge a TPD claim with your civilian Superannuation scheme within 12 months of ceasing work or your right to do so is forever lost. If your TPD claim is rejected you have 12 months from the date of the decision to make an application for review to the *Superannuation Complaints Tribunal (SCT)*.

KCI Lawyers can look at all existing material from DVA, MCRS or ComSuper to support any separate application for benefits from your civilian superannuation scheme to make sure you don't miss out on any additional benefits you may be entitled to receive. We can also prepare and lodge your application to the SCT if your claim is rejected.

## When Do I Ask For Help From KCI Lawyers?

KCI Lawyers provide you with a "no obligation - no cost" written advice if you are not sure how to make a claim or want a professional to co-ordinate your claim through the different compensation schemes and to advise you of all steps required, benefits payable and getting the right mix of entitlements to reduce any "offsetting".

Other examples of when you might ask KCI Lawyers for help may be if:

1. You believe MCRS are not properly handling your claim or advising you of your full rights or entitlements.
2. Your claim for injury or disease is rejected by MCRS, DVA or ComSuper.
3. MCRS accept liability for your injury or disease but reject a particular benefit payable that you believe is unfair.
4. You wish to make a lump sum claim as a result of permanent damage, death or a severe injury whether it is caused in "no fault" circumstances or due to the negligence of the ADF or a third party or.
5. You want professional advice to co-ordinate and investigate all your claims, pursue your rights and give you and your family the compensation you deserve.

## Do I Need A Lawyer?

Getting the right advice can reduce the delays associated with your claim being lodged and accepted, plus making sure you get all the benefits that you are entitled to.

If your claim or particular entitlement is rejected the legal process of review can seem simple at the start but becomes complex as time goes on and your case is reviewed.

In particular, if you wish to make an Application for Review to the AAT, MCRS will use civilian lawyers and barristers to fight your case. Therefore, the best way for you to defend and protect your rights to compensation that you deserve is to use a lawyer who will know how the system works, explain what is required and assist you through the process.

### How Much Will It Cost Me?

KCI Lawyers will provide you with a “*no cost - no obligation*” free interview, an estimate of any legal costs and an outline in writing of your options. We will provide you with any necessary claim forms to pursue your entitlements and will lodge them on your behalf.

We shall defer payment of our legal costs up front or progressively until we finish your case after you have signed and accepted our plain English *Terms and Conditions*:

- a. *Abide by our reasonable advice regarding the conduct of your claim.*
- b. *Disclose all information regarding the conduct of your claim.*
- c. *Do not instruct other solicitors to act on your behalf once we commence acting.*

In some cases you may be liable to pay for the out of pocket expenses to investigate and proceed with your claim. These expenses may include the cost of medical reports, Barrister's fee, or filing fees in a court to proceed with a claim. We advise you up front of these expenses before we ask you to pay and in most cases these expenses are reimbursed if we are successful with your claim.

KCI Lawyers are happy to apply for Legal Aid on your behalf and to increase your chance of being eligible for a grant of Legal Aid by providing all relevant documents to the Legal Aid office and explain in writing why your case and circumstances deserves consideration for financial assistance.

## Why Choose KCI Lawyers?

Greg Isolani is a Partner at KCI Lawyers. He has been advising and representing current and former ADF personnel for more than 12 years to pursue their rights and entitlements to MCRS, DVA and ComSuper through the AAT, Federal Court and the High Court of Australia.

We are committed to improving the benefits payable and protecting your right to pursue them by not only representing individual ADF members but also on behalf of the Armed Forces Federation of Australia (ArFFA) through our extensive and ongoing lobbying to the government.

Greg Isolani, on behalf of ArFFA, has provided submissions and appeared before Review teams and Senate Inquiries for over 10 years in relation to a range of diverse issues that effect compensation, welfare, equity and other conditions of Military service.

Such Inquiries and Reviews include the Tanzer Inquiry regarding Military Compensation, Law Council of Australia regarding the proposed changes to the AAT, the Grey Review into sexual harassment policies at ADFA, the adequacy of Legal Aid for Veterans generally, the Clarke Review with respect to anomalies under the VEA, and the Senate Inquiry with respect to DVA/MCRS offsetting.

The Redfern Legal Centre commissioned Greg Isolani together with the NSW Legal Aid, Veterans' Advocacy Service lawyer Adam Halstead to write a practical legal reference guide regarding Veterans' Disability Law and Military Compensation that was published in the NSW Lawyers Practice Manual in February 2003.

The highest honour and recognition of our experience and expertise to date was the invitation by DVA for Greg Isolani, on behalf of ArFFA, to sit with the Ex-Service Organisation's "Working Group" throughout 2002 to make submissions into the proposed *Military Rehabilitation and Compensation Bill 2003*. The draft Bill was released on the 27th June 2003 and is widely acknowledged for its overall success by enhancing the rights and entitlements of compensation benefits for the next generation of ADF members.

## **KCI Lawyers - Principal Offices**

KCI Lawyers principle offices are:

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***Please contact the Melbourne office to arrange an appointment.***

Whilst KCI Lawyers have made sure that the details and information in this brochure are correct, it is *not intended to be a substitute for getting specific legal advice* as there are many things to consider about your specific circumstances, entitlements to compensation, your common law rights and time limits that might apply.

After having read this brochure contact KCI Lawyers to get the right advice before you or your family are denied the benefits that you deserve without any further delays.

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