



## DEFENCE FORCE WELFARE ASSOCIATION

13 March 2020

### **MEDIA STATEMENT**

#### **JUSTICE FOR DISABLED VETERANS INCORRECTLY TAXED**

Some Veterans medically discharged from the ADF and receiving Invalidity Benefits from their military superannuation had some good news today, when Justice Logan handed down his decision at the Administrative Appeals Tribunal<sup>1</sup> in Brisbane. Justice Logan was quite scathing about the treatment of veterans “broken by age and war” in this encounter with the taxation and military superannuation regimes.

Quite a few Veterans leave the ADF with unrecognized medical conditions, especially mental health issues. They should have been medically discharged and received an Invalidity Benefit. When this medical condition is eventually recognized, sometimes many years later, the Veterans can be granted a retrospective medical discharge backdated to the date of leaving the ADF.

Unfortunately, when doing the calculations of backdated payments, the ATO and the Commonwealth Superannuation Corporation got it wrong. Veterans appealed.

This was a recognized Test Case setting a precedent for all affected Veterans. The Veteran’s appeal was upheld. DFWA calls on the government to do the right thing:

- Respect the judgement. Don’t stress Veterans more by appealing the decision;
- Pay back what is owed to all affected Veterans and do it promptly; and
- No spin. No retrospective changes to the law. No technical limitations restricting refunds just to those disabled Veterans who managed to lodge an appeal.

No silly games, and in the words of the Covenant, “be sensitive to any physical or mental injury or disease they may have suffered and respect their military service.”

*DFWA pays tribute to those veterans and their families who are enduring the stresses, uncertainties and personal costs of being Test Cases for your mates. DFWA also extends thanks to the legal team, both ADF veterans, who went above and beyond. WFD.*

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<sup>1</sup> Wayne Douglas vs Commissioner of Taxation. Brisbane AAT 2016/6964 and 6965