



## DEFENCE FORCE WELFARE ASSOCIATION

### NATIONAL OFFICE

Patron-in-Chief: His Excellency General the Honourable Sir Peter Cosgrove AK MC (Retd)

*A member of the Alliance of Defence Service Organisations*

07 May 2019

## **MEDIA STATEMENT**

### **FACELESS BUREAUCRATS CHANGE THE LAW TO BEAT WOUNDED VETERANS IN COURT**

Veterans medically discharged, including all those with mental health wounds and at risk of self-harm, can receive an Invalidity Benefit from their superannuation scheme.

The Australian Tax Office (ATO) taxes these variable payments as ordinary income rather than at the lower rates that can be applied to superannuation fund disability benefits. Since 2015, Veterans have been trying to get the ATO to justify their position and advise what law they are using to treat their invalidity payments this way. The ATO has used every dodgy practice in the book to avoid answering the question.

In 2018, Veterans had the Administrative Appeals Tribunal consider this matter. On 1 June, the ATO's case developed a "fatal flaw" so they requested an adjournment to "consult" with their bureaucratic masters. Although Justice Logan agreed to the adjournment, he expressed concern that the ATO might try to change the law to fix their case before the Hearing resumed.

On 7 December, two days before the Hearing resumed, changes to the law, backdated to 2007, were made to fix the shoddy ATO argument. In other words, the rules and the goalposts were changed at half-time by the faceless bureaucrats. But this is not a game! The men and women of the ADF are trained to obey the rules, even if it means they might die.

*Politicians should not let faceless bureaucrats change the law to beat wounded veterans in court and no Australian should be at risk of having the law changed and backdated in the middle of their court case.*

This should not happen to any citizen. Veterans have fought for democracy and the rule of law and call on all Australians to join the fight against this blatant injustice! There will be limited time after the election for the Senate or the House of Representatives to pass a Disallowance Motion negating the retrospective changes affecting the case being heard.

**Read more on this matter, including what you can do, on the DFWA website ([www.dfwa.org.au/veterans-invalidity-payments-and-ato](http://www.dfwa.org.au/veterans-invalidity-payments-and-ato)) or contact the DFWA spokesperson.**

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