



Australian Government
Department of Veterans' Affairs

Businessline

Action Required: Processing MRCA claims where clients do not provide information under their control following repeated requests.

To:

Delegates and CSOs Clients Benefits Division (CBD)
Assistant Directors (CBD)
Directors (CBD)

For information:

Secretary
Deputy President
First Assistant Secretaries
Assistant Secretaries
Deputy Commissioners

SUBJECT: Processing of MRCA claims where a client refuses or fails to respond to requests for information.

Purpose: To inform staff of the processing options for MRCA claims when a client does not provide information under their control despite repeated requests.

Key Points:

- Section 330 of the **MRCA** legislation provides a mechanism for dealing with situations where a person refuses or fails to respond to requests for information.
- The preferred option in liability cases remains for delegates to determine the claim on the available evidence, or to withdraw the claim at the client's request. Determining the claim in liability cases is the preferred option as it finalises the claim in the system and gives the client their right of appeal.
- Clients who have been non-responsive, following reasonable attempts and opportunities to provide the requested information, will be issued a notice under s330.
- The s330 notice would be the last step in the process, following both an initial request and a follow-up request, both giving 28 days to provide the information. Effectively the client will have had three months to provide the

information before the Commission decides to determine the claim using available evidence or defer further investigation.

- The timeframe to provide the information can be extended by the client upon request. Once the client provides the information the claim is reinstated and actioned through normal claims processes.
- For clients that are case managed, personal circumstances and barriers to obtaining information will be taken into account

Background:

Client Benefits Division (CBD) have created a processing model where as much relevant information as possible is collected at the start of the registration and screening process to ensure claims are investigation ready before being allocated to a delegate. Part of this step may include gathering further information from the client.

The ability for a claim to be finalised is impacted when a delegate is waiting on the client to provide requested information, which cannot be obtained in any other way. For example, claimant reports or other personal information in their control.

Section 330 of the MRCA provides a mechanism for dealing with situations where a person refuses or fails to respond to requests for information. Commissions can give the person notice in writing to provide the specified information or document within 28 days (or later upon request). Failure or refusal to do so, without reasonable excuse, means the Commission may defer further investigation of the claim until such time as it is provided, or determine on available evidence.

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