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The Repatriation Commission

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Advice from the President Repatriation Commission
Chair of the Military Rehabilitation and Compensation Commission

I am writing in response to ex-service organisations' (ESO) concerns that changes to the governance arrangements for the Advocacy Training and Development Program (ATDP) may affect the volunteer status of hours worked by advocates delivering services for the ATDP.

I acknowledge the vital role that ESOs and advocates have within the ATDP. In particular, I thank the organisations and individuals that continue to share their knowledge and expertise in crucial ATDP roles, including assessing and training advocates.

The governance arrangements for the ATDP have recently changed and DVA now has full responsibility for management of the ATDP. DVA is continuing to work closely with the Registered Training Organisation (RTO) to maintain and manage the advocate training and assessment materials delivered through the ATDP.

As part of the ATDP governance changes, roles that were previously filled by volunteers (for example the National Training Manager) are now being undertaken by the RTO. Volunteers who were previously providing training, mentoring, assessment and subject matter expertise services within the ATDP are now providing the same services to the RTO. I note your concern that this change may impact on eligibility for the Special or Intermediate Rate pension under the *Veterans' Entitlements Act 1986* (VEA) or incapacity payments under the *Military Rehabilitation and Compensation Act 2004* (MRCA) or *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (DRCA).

As President of the Repatriation Commission (RC) and Chair of the Military Rehabilitation and Compensation Commission (MRCC), I have determined that the policy in relation to volunteer work and eligibility for payments requires clarification. The clarified policy will confirm that veterans in receipt of the Special or Intermediate Rate under the VEA, Special Rate Disability Pension (SRDP) under the MRCA, or incapacity payments under MRCA or DRCA, who are providing services under the direction of a for-profit organisation are considered to be undertaking voluntary, not paid work.

This policy covers volunteers who are working under the direction of the RTO for the ATDP. I trust this assures you that volunteers can continue to work for the ATDP without concern for their DVA payments and eligibility. The clarified policy in relation to eligibility for Special Rate

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pension under the VEA is included at Attachment A. Please note similar policy wording will be put in place for incapacity payments under the MRCA and DRCA and SRDP under the MRCA. The clarified policy will be publicly available via the Consolidated Library of Knowledge (CLIK).

I look forward to continuing to work with you in progressing the objectives of the ATDP. If you have any further questions about ATDP, please contact Alison Hale who is the DVA Executive responsible for the ATDP by writing to alison.hale@dva.gov.au.

Yours sincerely



Liz Cosson AM CSC

President Repatriation Commission

Chair of the Military Rehabilitation and Compensation Commission

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Australian Government
Department of Veterans' Affairs

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4.1.6 Special Rate (T&PI or TTI) Eligibility

Paid Work and Voluntary Work

The eligibility criteria for Special Rate/Intermediate Rate pension require that a person has limited capacity to work in paid work. Paid work is work that is remunerated. It is different from voluntary work.

Voluntary work is generally defined as 'unpaid work for a recognised community or welfare organisation'. Unpaid work for a not-for-profit organisation or ex-service organisation will generally constitute voluntary work. Unpaid work for family, friends, or a business enterprise formed for the purposes of making a financial profit is **generally** not classified as voluntary work.

Where veterans are undertaking unpaid work through an Ex-Service Organisation (ESO) or Community of Practice, they may undertake a variety of tasks, including working as advocates/mentors or as trainers/assessors through the Advocacy Training and Development Program. The tasks required as a trainer or assessor may mean that the veteran's volunteer work is under the direction of an organisation that is not classified as not-for-profit. In these instances, although the veteran is operating under the direction of a for-profit business they are in practice providing unpaid work through the ESO or ATDP. Therefore it is considered to be voluntary work.

The general policy approach is that voluntary work does not have the same pressure or stress that is inherent in paid employment and should therefore be discounted when assessing a person's eligibility for Special Rate/Intermediate Rate disability pension. It is recognised that voluntary work has many social, psychological and physical benefits.

There is no defined upper limit to the hours of voluntary work a person may undertake, and the hours worked in voluntary work are not linked at all to the eight hour limit imposed on remunerative work. A high number of hours in voluntary work is not on its own an indication that the veteran is able to work in remunerative work.