



# DEFENCE FORCE WELFARE ASSOCIATION

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

## NATIONAL OFFICE

18 January 2018

### DFWA DOT POINTS

#### OVERARCHING POINT.

- a. CSC is not administering superannuation payments made to Veterans in accordance with the law.
- b. Classifying superannuation recipients as employees to circumvent provisions of the SIS Act relating to the garnishing of such payments.

#### FAMILY LAW.

- c. Splitting of compensation payments in family law proceedings.
  - Incorrect information provided to parties that leads to incorrect valuation of reviewable payments.
  - Payments are valued as lifetime, when in fact can be reviewed and cease.
  - Non-veteran spouse (no injury) receives payments for life, when the veteran with the injury can still be reviewed and payments cease.

#### TAXATION

- d. No recognition for the compensatory nature of these payments.
  - Compensation ordinarily has a tax free element
  - CSC incorrectly report payments which leads to Veterans paying tax they are not legally required to pay.
  - Not advising beneficiaries of rights. (Failure to advise the ability to use the taxation election)

#### FIDUCIARY DUTY.

- e. CSC is failing to act in the best interest of its beneficiaries.
  - Trust deed states it must act in the best interest of its members and the Government. This is a conflict of interest.
  - Not in the best interest of a member to pay tax they are not legally required to pay.
  - Refuse to provide legislative basis for reporting payments the way they do to the ATO.
  - Failure to provide full medical file to their Medico legal Doctors when assessing Veterans for injury. (Led to report saying no medical evidence of injury despite surgical reports in members medical file).
  - Refuse to acknowledge facts in litigation. (Campbell v SCT and CSC)

#### MEDICAL FILES

- f. Failure to provide full medical file to MLCOA doctors when assessing injured Veterans. This leads to a biased report stating no physical evidence of injury. (even though members medical file has surgical reports)

#### **Kel Ryan**

National President

Defence Force Welfare Association