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## military veterans

Department:  
Military Veterans  
**REPUBLIC OF SOUTH AFRICA**

## COMPENSATION FOR MILITARY VETERANS

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## ACRONYMS

DG	Director-General
DDG	Deputy Director-General
DMV	Department of Military Veterans
DOD	Department of Defence
LWV	Liberation War Veterans
GPAA	Government Pensions Administration Agency
MoU	Memorandum of Understanding
MTTR	Ministerial Task Team Report
NSF	None Statutory Force Members
PFMA	Public Finance Management Act, (Act 1 of 1999)
PTSD	Post-Traumatic Stress Disorder
SES	Socio-Economic Services (Branch of the Department of Military Veterans)
SLA	Service Level Agreement
SAMHS	South African Military Health Services

## DEFINITIONS

**“Act”** means the Military Veterans Act (Act 18 of 2011)

**“Assessment”** means the examination or evaluation by a medical practitioner of a military veteran in order to determine the severity of injury, psychological and neuro-psychiatric trauma or a disease contracted by a military veteran as a result of participating in military activities for the purposes of compensation.

**“Department”**: Means the Department of Military Veterans also referred to as “the department” in this policy document.

**“Medical Practitioner”** means a person registered as a medical practitioner in terms of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974) (xiv)

**“Post-Traumatic Stress Disorder”**: Means a psychiatric disorder that can occur in people who have experienced or witnessed a traumatic event.

## INTRODUCTION

1. The Military Veterans Act (Act 18 of 2011), Section 5 (1) (a) lists “compensation to Military Veterans who sustained disabling injuries; suffer from severe psychological and neuro- psychiatric trauma or terminal disease resulting from participation in military activities” as a benefit. Section 3 (1) (b) on the fundamental principles states that “compensation to which Military Veterans may be entitled to for disablement constitute reparation and is, despite any provision to the contrary contained in any law, not a welfare benefit ”.

This policy therefore seeks to ensure that it provide guidelines in the provision of the compensation benefit in line with the Military Veterans Act (Act 18 of 2011), the Ministerial Task Team Report 2009, (MTTR) and Regulations.

## LEGAL FRAMEWORKS AND POLICIES

2. The following are the legal frameworks and policies that guide the facilitation and coordination of the compensation benefit for Military Veterans.

- a) Military Veterans Act 18 (2011)

The Military Veterans Act (Act 18 of 2011), Section 5 (1) (a).

- b) The Compensation for Occupational Injuries and Diseases Act (Act 130 of 1993)

The Compensation for Occupational Injuries and Diseases Act provides for compensation for disablement caused by occupational injuries or diseases sustained or contracted by employees in the cause of their employment or for death resulting from such injuries or diseases and to provide for matters connected therewith.

- c) The Military Pensions Act (Act 84 of 1976)

The Military Pensions Act provides for the payment of pensions and gratuities to or in respect of certain persons in respect of disablement caused or aggravated by military service for the medical treatment of such persons.

- d) The Military Veterans Benefit Regulations, 2014

The Military Veterans Benefits Regulations outlines provisions for the dispensation of the compensation benefit

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e) National Health Act (61 of 2003)

The National Health Act (Act 61 of 2003) provides a framework for structured uniform health system within the Republic, taking into account the obligations imposed by the constitution and other laws on the national, provincial and local governments with regard to health services, and to provide for matters connected therewith.

f) Mental Health Care Act (Act no 17 of 2002)

The Mental Health Care Act (Act 17 of 2002) provides framework for the care, treatment, and rehabilitation of personnel who are mentally ill.

g) Ministerial Task Team Report 2 (2009)

Section 8.9.4 recommends that a detailed study of the extent of support in terms of compensation should be done by the department. This should be related to pensions, health as well as other benefits systems for the Military Veterans. A clearly defined and consistent system of compensation must be instituted by the department.

Section 8.9.5 outlines that the new department of Military Veterans should coordinate and ensure implementation of all programs for compensation through relevant line function departments.

### **PURPOSE OF POLICY**

3. The purpose of this policy is to provide a framework for the compensation benefit that will guide the facilitation and coordination in line with the Act, Military Veterans Regulations as well as in accordance with the MTTR.

### **4. PROBLEM STATEMENT**

Prior to the establishment of the department, the compensation benefit was and continues to be provided in line with the Military Pensions Act (Act 84 of 1976) through the Government Pensions Administration Agency (GPAA) to serving and non-serving members. Lack of policy framework aligning provision of the benefit by line functions departments results in misinterpretation and confusion to Military Veterans.

This policy therefore seeks to provide a framework that will guide the coordination and facilitation of the compensation benefit in line with the Act, Military Pensions Act (Act 84 of 1976), Military Veterans Benefits Regulations 2014, MTTR and the GPAA.

## **PRINCIPLES**

5. The following principles, as outlined in the Military Veterans Act (Act 18 of 2011) underpins the provision of healthcare and wellness:
  - a) Sacrifices made by LWV in the service of or for their country or their role in the democratisation of South Africa are honoured;
  - b) Military Veterans in the service of or for their country or their role in the National Defence Force of South Africa.
  - c) Compensation to which Military Veterans may be entitled for disablement constitute reparation and is, despite any provision to the contrary contained in any law, not a welfare benefit.
  - d) Disparities, inequalities or unfair discrimination as regards the benefits of Military Veterans and their dependants must be identified and, where possible, remedied;
  - e) Special consideration must be given to benefit and relieve Military Veterans who suffer from physical or mental disability arising from military service.
  - f) All organs of state or governmental entities involved with Military Veterans' affairs must cooperate with the Department to ensure the achievement of the objects of this Act and, take reasonable legislative and other measures to achieve the progressive realisation thereof.

## **OBJECTIVES**

6. The objective of this policy is to:
  - a) Guide the provision of Military Veterans' compensation benefit.
  - b) Outlines the eligibility criteria
  - c) Outline application processes, the related access procedures for the compensation benefit and the subsequent pay out of the benefit.

## **POLICY OUTCOMES**

7. The outcome of this policy is to compensate Military Veterans who sustained disabling injuries or severe psychological and neuro-psychiatric trauma or who suffers from a terminal disease resulting from participation in military activities

## **SCOPE OF APPLICABILITY**

8. The policy is applicable to Military Veterans who are registered in the National Military Veterans Database and who sustained disabling injuries; or severe psychological and neuro-psychiatric trauma; or who suffer from a terminal disease resulting from participation in military activities.

## QUALIFYING CRITERIA

9. The following criteria is followed for determining eligibility for Compensation benefit.
- a) The applicant must be listed in the national military veteran's database and must not have been convicted of a criminal offence as outlined in the Regulations.
  - b) The military veteran must have sustained disabling injuries or severe psychological and neuro-psychiatric trauma or suffer from a terminal disease resulting from participation in military activities. The following is critical:
    - i. the disabling injury, severe psychological and neuro-psychiatric trauma or the terminal disease must have resulted from participation in military activities, and
    - ii. the effect of such disability, trauma or disease is an on-going event, and
    - iii. the department's medical assessment of the military veteran confirms the link between injury, trauma or disease and his/her participation in a military activity, and
    - iv. The military veteran has not accessed or received a similar benefit in terms of other legislation.
  - c) The provision of Compensation benefit applies to Military Veterans who are alive, in the event that the military veteran dies after having submitted his/her application for Compensation, payment shall be done to the deceased military veteran's estate.

## PROCESSES AND PROCEDURES

10. The following are the processes and procedures for implementation of the compensation benefit
- a) Applications

Military Veterans who meet the qualifying criteria are legible to apply for a lump sum compensation through the department of Military Veterans in terms of the Military Veterans Act and Regulations.
  - b) Documents needed to add weight for the compensation benefit application:
    - i. Fully completed Compensation Benefit application form (Annexure A),
    - ii. Certified Identity Document

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- iii. Medical report in support of Injury/Trauma/Disease signed and stamped by the medical practitioner
- iv. Affidavit from two witnesses with knowledge of the applicants Injury/Trauma/Disease
- v. Certified ID copies of the two witnesses
- vi. Any other documents that may be required whilst administering the benefit.

c) Medical Assessments and Compensation

- i. Eligible Military Veterans shall undergo a medical examination conducted by two medical practitioners ( Physician and a Clinical Psychologist) to determine the following:
  - Severity of injury/trauma/disease in terms of the Regulations.
  - Identify whether there is a link between injury/trauma/disease with participation with military activity
  - Determine whether the injury/trauma/disease is ongoing or not.
- ii. The medical practitioners shall assign the degree of disability/trauma/disease.
- iii. Where there is no link to military activity or the injury/trauma/disease is not ongoing, the medical practitioner shall write a detailed report and forward to the department for finalization of the compensation processes.
- iv. The department shall utilise services of a medical panel provided by the SAMHS consisting of a Psychiatrist, Psychologist and a Healthcare professional who shall meet within 30 days after every compensation assessment to determine compliance and fair assessment criteria.
- v. The medical panel shall utilise the medical reports from the medical practitioners to determine the amount to be paid as compensation to a military veteran.
- vi. The DMV shall process the Compensation payment in terms of the PFMA
- vii. Applicants shall be notified of the outcome within 30 days following the assessment.
- viii. The DMV shall link the Military Veterans who have received 20% compensation award with the GPAA to be considered for annual pensions. The facilitation for Military Pension shall be done with the aim of honouring the sacrifices and the role played by Military Veterans in the democratisation of South Africa in terms of Section 2, 3 (a) and (b) of the Military Veterans Act. Priority shall be given to LWVs members in terms of resource allocation.

- ix. The military veteran will be informed of his/her right to appeal against the decision and the procedure to be followed as outlined in the Military Veterans Act 18 of 2011 as shall be amended.

### **VERIFICATION**

- 10 Applicants for Compensation Benefit are verified against the National Military Veterans database. The department must verify with the GPAA administering the Military Pensions Act 84 of 1976 and the Compensation for Occupational Injuries and Diseases Act 130 of 1993 whether the applicants has received any compensation benefit in terms of the mentioned acts.

### **DISQUALIFYING CRITERIA**

- 11 Applicants will be disqualified if they:
  - a) Have accessed the Compensation Benefit in terms of any other legislation.
  - b) Proved misleading or falsified documents
  - c) Have been convicted of rape, murder, robbery, theft or high treason committed after 27 April 1994 and sentenced to imprisonment for a period exceeding 5 years without the option of a fine.
  - d) Where it cannot be determined that the injury/trauma/diseases is linked to military activities.
  - e) Where the injury/trauma/disease is not an ongoing event.

### **COMPLAINTS MECHANISM**

- 12 Applicants may lodge a written request within three month from the date of the outcome letter in the Department of Military Veterans.

### **APPEAL PROCESS**

- 13 Military Veterans who are not satisfied with the outcome or the department's decision or complaints mechanism outcome, may appeal to the Military Veterans Appeal Board within 90 working days of the outcome.

### **MONITORING AND EVALUATION**

- 14 The department shall conduct monitoring and evaluation of the benefit policy as follows:

- a) Bi-Annual consultations with the stakeholders.
- b) DMV, supported by service partners will monitor delivery on compensation benefit for Military Veterans to ensure delivery.
- c) The payment records are reconciled with the compensation register.

## **CONFIDENTIALITY OF INFORMATION**

- 15** The DMV takes precautions to preserve the integrity and confidential information obtained during the assessment and prevent corruption or loss of information and only use such information in the performance of its duties in terms of the medical assessment criteria.

## **16 POLICY REVIEW**

The policy on compensation benefit for Military Veterans shall be reviewed every three years, or as and when required.

## **17 LIST OF ANNEXURES**

- a) **Annexure A:** Application for Compensation Benefit

**APPROVED BY**

  
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**D.M. MGWEBI LT GENERAL (RTD)**  
**ACTING DIRECTOR-GENERAL: DEPARTMENT OF MILITARY VETERANS**

**DATE** 14 10 2020