

# Submission to Veterans' Legislation Reform – Exposure Draft Consultation

Australian Catholic University

## Introduction

Australian Catholic University (ACU) welcomes the opportunity to make a submission to the Department of Veterans' Affairs' consultation on its exposure draft for veterans' legislation reform, the proposed *Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) Bill 2024*. ACU supports the efforts being made to simplify and harmonise the legislation that governs Australia's system of veterans' compensation and rehabilitation.

## The Need for Simplification and Harmonisation

The simplification and harmonisation of this legislation has been a long-standing recommendation from numerous inquiries and reports into Australia's veteran support system. These include the Productivity Commission's *A Better Way to Support Veterans* (2019) report and the Royal Commission into Defence and Veteran Suicide's *Interim Report* (2022). Undoubtedly the issue will also feature in the Royal Commission's final report later this year.

The existence of three rehabilitation and compensation schemes has certainly been, and remains, a cause of confusion and frustration for many veterans and their families. The complexity of the schemes is apparent in how veterans access them; as the Royal Commission into Defence and Veteran Suicide has found, 44% of veterans lodging claims in the 2020-21 financial year (DVSRC, 2022, p. 220). This high dependence on advocates (many of whom undergo specialist training) when accessing the veteran compensation and rehabilitation schemes – virtually unknown when it comes to accessing social services through any other government agency. The necessity of these advocates for veterans accessing services has also become a burden on many ex-service organisations and other charitable organisations supporting veterans, who have undertaken much of the work in ensuring veterans can access the assistance they need.

The challenges of the schemes are clearly reflected in the difficulties encountered in training front-line staff within the claims processing system. Several reports from the Australian National Audit Office (ANAO) have found training new employees and contractors in how to process claims often took months, resulting in a high proportion of the claims processing workforce not being fully trained. High staff turnover within the claims processing system has compounded these problems, with some employees apparently spending a large portion of their employment period simply being trained. A simplified and harmonised legislative framework will undoubtedly make staff training quicker and easier.

Overall, ACU commends the efforts to create the legislative reform package embodied in the *Veterans' Entitlements, Treatment and Support (Simplification and*

*Harmonisation) Bill 2024* and supports the crucial reforms this proposed legislation makes. It is a marked improvement over the existing system of three complex schemes. Undoubtedly there will be room for future refinement of the veteran's compensation and rehabilitation legislation, but the proposed changes are a leap forward in terms of simplification and harmonisation.

## The Need for Systematic Reform

ACU notes, however, that the proposed legislation is largely limited to consolidating the three existing legislative schemes. It does not substantively reform the way veterans' compensation and rehabilitation legislation is administered, it does not create any ongoing mechanisms for monitoring the performance of Australia's veteran support system, and it does not create a harmonised veteran support system.

Historically, the veterans' affairs portfolio has been an area of innovation and experimentation in public administration. The Repatriation Commission (RC) itself represented, when it was established, a relatively radical innovation in how a statutory authority could implement public policy and deliver social services to Australians. In the past, veterans and their families have been the beneficiary of innovations in health policy and housing policy. Veterans and their families across Australia will benefit immeasurably if the area of veterans' affairs recaptures its historic zeal for being on the forefront of innovation in public policy and public administration.

ACU is aware that changes, and many in the veteran community feel that certain existing arrangements – such as a standalone veterans' affairs department – are important safeguards for ensuring veterans and their families have a voice in policy which affects them. Nevertheless, this should not discourage pursuit of administrative and governance reform. While the proposed legislation does absorb the Military Rehabilitation and Compensation Commission into the Repatriation Commission, it is clear this is not an instance of substantive administrative reform. The conflation of the roles of the Department of Veterans Affairs (and its predecessors) and the Repatriation Commission has been a problem since the 1920s – over a hundred years ago – and was a core reason why the Productivity Commission recommended the establishment of a separate Veteran Services Commission (Productivity Commission, 2019, p. 484).

## Enabling Ongoing Accountability

Ensuring that Australia's veteran support system continues to provide veterans and their families with the support and assistance they need will be a crucial ongoing task long after the Royal Commission into Defence and Veteran Suicide has handed down its final report. Holistic, lasting, and meaningful reform of Australia's veteran support system will need to create mechanisms which allow for monitoring and accountability within the system without resorting to sporadic *ad hoc* inquiries, reports, or another Royal Commission. There might be many ways this can be achieved, but for Australia's veterans and their families, it is imperative that some sort of mechanism is put in place. One way this could be achieved would be through the establishment of an 'inspector-general' position, with a mandate to monitor the performance and sustainability of Australia's veteran support system. Modelled on the Inspector-General of Aged Care, a position resulting from the Royal Commission into Aged Care, such a statutory office

would have the ability to identify issues and problems in the veteran support system, investigate and recommend solutions, and report its findings to Parliament and responsible ministers. An Inspector-General role in the veteran sector would have the authority and influence to cultivate a culture of continuous improvement, thorough evaluation of policies and programs, and lay the groundwork for accountability. [Full Opinion Editorial below]

ACU believes that the proposed legislation should be followed by a similarly deeply-considered reform package which creates the accountability mechanisms and institutions to ensure Australia's veteran support system is not allowed to atrophy and decay, even if the Royal Commission creates a flurry of reforms.

## A Cross-Sector Support System

The call for systemic change is a clarion call for a reimagined Veteran support system in Australia — one that transcends the *ad hoc* arrangements of the past to establish a coherent, purpose-driven, and accountable ecosystem, underpinned by the concept of continuity of support. This vision needs to encompass a broad spectrum of stakeholders; not just government agencies, but also service providers, higher education and training institutions, employers, and local communities, united in a shared mission to support our veterans and their families comprehensively and compassionately.

The veteran support system needs independent bodies that can provide training, research, evaluation, service provider accreditation, and host collaboration initiatives. ACU currently provides most of these functions to veterans and their families and is well placed to provide independent backbone support to the sector to develop further veterans' support.

## Conclusion

The proposed exposure draft of *Veterans' Entitlements, Treatment and Support (Simplification and Harmonisation) Bill 2024* is an important milestone in simplifying, harmonising, and consolidating Australia's veteran rehabilitation and compensation system. These changes represent substantive progress in making long-overdue reforms to Australia's veteran support system and improving the wellbeing of Australia's veterans and their families. ACU strongly supports the proposed legislation.

Nevertheless, ACU also believes that the proposed legislation is only a strong first stride towards the full suite of reforms necessary to improve the wellbeing of Australia's veterans and their families. Ensuring the continuous improvement of Australia's veteran support system will require new accountability and governance mechanisms, and ACU strongly recommends that this be the focus of future reforms.

## References

Productivity Commission. (2019). *A Better Way to Support Veterans*. Report no. 93.

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<<https://www.pc.gov.au/inquiries/completed/veterans/report>>.

Royal Commission into Defence and Veteran Suicide (DVSRC). (2022). *Interim Report*.

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<https://defenceveteransuicide.royalcommission.gov.au/system/files/2023-05/interim-report-dvsrc-may-2023.pdf>.

## Opinion Editorial by Andrew Condon, CSC, Industry Professor Veterans and their Families, Australian Catholic University

### **\*\*Time for the Royal Commission to deliver a new Australian Veteran Support System\*\***

With the Defence Veteran Suicide Royal Commission's focus now shifting towards finalising recommended solutions and their implementation, there's a palpable sense of the need for fundamental change in system design and accountability.

The establishment of an Inspector-General role to monitor and report on system performance and recommend changes required for the system to remain fit for purpose, are critical steps towards achieving this vision. An Inspector-General as an independent authority with real teeth, reporting directly to parliament, can hold stakeholders to account for the implementation of the royal commission recommendations, but also ensure that the Veteran Support System remains responsive, accountable, and fit for purpose. This layer of oversight is essential in cultivating a culture of continuous improvement, where policies and practices are regularly evaluated and refined in light of emerging needs and insights. Such a model with the establishment of an Inspector-General of Aged Care was an effective result of the Aged Care Royal Commission, and thus a useful precedent.

Royal Commissions are an evidentiary process that enables identification of what has gone wrong, but they are legalistic by their nature with all parties lawyering up, which quickly bog down efforts in legal argument, thus providing a poor mechanism for designing solutions, particularly when whole of system design reform is required. That is why developing foundational recommendations is challenging for Royal Commissions.

The current veteran support system has no 'grand design' with supporting accountability for multiple government departments, Ex-Service Organisations, Veteran Support Organisations, and other stakeholders contributing to the veteran support system. There is also no independent body to monitor system performance and recommend system changes when the system is no longer fit for purpose.

The real litmus test for the Royal Commission's success lies not in the recommendations themselves but in their implementation. Historical precedence suggests that without system design and actionable plans with impact-based deliverables, even the most well-intentioned recommendations can falter, rendering the Commission's efforts moot. This scenario is all too familiar in the veteran space,

underscored by the current Royal Commission's own awareness of the potential for its findings to languish unimplemented, a fate it is determined to avoid.

To avert such outcomes, recommendations must be specifically prioritised leaving the nation in no doubt what recommendations are foundational for systemic change, and sequenced into a cohesive roadmap for change. Proposed reforms need to be communicated clearly and be compelling to both policymakers and the public. The ultimate goal is to engender a sense of accountability and urgency among decision-makers and stakeholders, making the implementation of these changes not just preferable but imperative.

The call for systemic change is a clarion call for a reimagined Veteran Support System — one that transcends the ad hoc arrangements of the past to establish a coherent, purpose-driven and accountable ecosystem, underpinned by the concept of continuity of support. This vision encompasses a broad spectrum of stakeholders, from government agencies, service providers, employers, to local communities, all united in a shared mission to support our veterans and their families comprehensively and compassionately.

The veteran support system also needs an independent body that can provide training, research, evaluation, service provider accreditation, and host collaboration initiatives. Australian Catholic University currently provides most of these functions to veterans and their families, and is well placed to provide independent backbone support to the sector to develop further veterans' support.

As the Defence Veteran Suicide Royal Commission advances its work, the message is clear: the time for piecemeal solutions has passed. What's needed now is a bold, comprehensive strategy of reform that redefines the system of how we support our veterans and their families. This requires not just the wholehearted commitment of the government and the Australian Defence Force but the active engagement of the entire Australian community. We need to find a way to enable high levels of engagement in the recommendations of the Royal Commission unlike what happened after the most recent Productivity Commission review into the sector. We know from history one of the most implemented reviews in the veteran space was the 1975 Toose Review. After the Review Justice Toose took it upon himself to continue to advocate for his recommendations and keep public pressure on the government and key stakeholders to deal with his recommendations. Unfortunately for Royal Commissions, protocol requires Royal Commissioners to not provide further comment once their recommendations have been passed to the Governor General. Perhaps after Royal Commissions we need a designated advocate for the recommendations who can publicly champion the recommendations to ensure there is adequate national engagement with them and their implementation.

In the end, the measure of our gratitude and respect for those who have served will be reflected in the robustness and responsiveness of the support system we build.