

ADVOCACY, ENTITLEMENTS AND SUPPORT (AES) SPOT¹

Introduction

Even the least discerning will, by now, have detected the slightest hint of a bias in these articles. It's time to come out. To state the obvious. Infusing my articles is a fundamental belief about Ex-Service Organisations - and Air Force Association Ltd in particular:

We are the custodians of the past, and the stewards of the future.

What has brought this admission to the point of revelation? Well might you ask, dear reader. The two current Reviews into veterans and family support have certainly focused the mind. But the crucial arbiter is National Council's resolution that the future of our Association vests in creation of veterans' support services, which may now be extended to crisis support.

With the Productivity Commission Draft Report released for Public Responses, due by (the delayed date) 28 February, it is time to discuss how key findings in the Draft impact on AFA's strategic objective. At the time of writing, the Minister is likely to have released the Scoping Study before the Avalon Air Show.

The URL for the PC's Draft is: <https://www.pc.gov.au/inquiries/current/veterans/draft>

Background

By way of introduction to the PC's key findings, its Draft reinforces the criticism that AFA through ADSO levelled at the Issues Paper. The Draft is unequivocally grounded in 'market economic' assumptions. Initiated by Margaret Thatcher in the UK around 1980, this economic theory was finessed by the Reagan Administration as 'financialisation'. Forty years later, even the International Monetary Fund is trenchantly critical of the failure of 'neo-liberal economics'. (The IMF is the global father organisation for Structural Adjustment for Nations stricken by the indebtedness that accompanied the theory.)

Our concern is that austerity and Efficiency Dividends have stripped DVA of capability and contracting to the private sector the services has sacrificed service quality in the name of profit. There are a couple of fundamental flaws in outsourcing service delivery – all have an economic basis, but also have a social consequence.

First, market theory suggests that contracting services to the private sector will engender competition and therefore improve service delivery. Second, contracting service delivery will result in Budgetary savings over the cost of Public Service delivery. (The assumption being that the Public Sector is less efficient than the private.) Third, the less the government intrudes in the market, the more effectively the market will work. 'Market failure' in a significant number of privatised sectors illustrate the extent to which quality takes second place to profit. Economists term this 'rent seeking'. No matter the term, it is the 'consumer' of the service that wears the failure of the market.

Put another way, adherence to neo-liberal economics has disadvantaged those that need a quality service. As Clinton said: "It's the Economy, stupid". Or, as Margaret Thatcher said

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even more pertinently: “Economics are the method; the object is to change the heart and soul [of the Nation].”

PC Draft Report Key Findings

Please forgive my brief foray into Critical Economics 101. I’ll now get the point. The Draft, which is titled ‘A Better Way to Support Veterans’, extends to 704 pages, including its bibliography, and includes 48 recommendations (see pp43 to 67). Of the findings and 48 recommendations, AFA believes that, if implemented, the following recommendations would severely undermine the future of veterans’ support:

- Veterans’ entitlements are ‘overly generous’
- Veterans’ entitlements are inequitable
- There should be only one Permanent Impairment rate of compensation
- Statements of Principles should have only one Standard of Proof
- DRCA and MRCA should be amalgamated
- A single Appeal pathway should be established for all Acts
- VRB Hearings should be abolished
- Some veterans’ families’ entitlements should be means-tested or needs-based
- DVA should be abolished
- Veterans’ support should be a Department of Defence responsibility
- A Veterans’ Services Commission should be created in Defence
- A Joint Transition Command should be created in Defence
- A levy should be imposed on Defence to fully-fund veterans’ compensation

AFA will be assisting ADSO to prepare a response to the PC Draft Report. Our intended approach is to view the Draft from a ‘helicopter’ not to get down on the weeds responding to every finding or recommendation. We have proposed that the other 17 ADSO Members have specific interests in certain findings and recommendations. Attacking the detail is best left to them. The ADSO Response will provide the overarching framework for their detailed responses.

From this perspective the key framework points are:

- In many instances the Draft demonstrates a clear lack of a deep understanding of issues of concern to a majority of the veteran community including families.
- If implemented, it would leave many younger veterans and future generations of veterans with much worse post-discharge care and compensation than current senior veterans and widows receive under VEA.
- The Draft is a re-arrangement for economic reasons of responsibility for veterans’ support rather than a clear strategy to meet their and their families ongoing needs.
- The increased responsibilities and financial premium imposed on the Department of Defence would be a major diversion for the Department whose prime responsibility is to protect Australia by training for and prosecuting military operations.
- The worsening global geo-strategic environment suggests this is an ill-conceived and risky proposition.
- The improvements made by DVA through Veteran-Centric Reform have remedied fundamentally the Public Service Commission’s criticisms in 2013.
- The Secretary’s Transformation program and the ESO Round Table’s refocus on strategic outcomes promise to accelerate the pace with which enhanced service delivery is being progressed.

- Other than a time-line, the Draft fails to include a change plan for implementation of its recommendations. As it acknowledges the complexity of its recommendations, this failing is a fundamental.

Needless-to-say, there will be more said than this brief outline. AFA will advise Division Secretaries about the ADSO URL for the Response when it has been drafted. National Council may also submit a Response, depending on the content of ADSO's Response. Again, we will circulate the Response to Members.

Conclusion

The Productivity Commission is holding Public Hearings in all capital cities and many regional centres. I hope you have had an opportunity to attend and to express robustly your misgivings.

It is our heritage that is at risk. We are either the effective stewards of the future, or we will be damned by the future for being nothing more than custodians of the past. The choice is ours to make. Let's be prepared to educate ourselves in the issues, identify the range of possible consequences, accept our responsibility and engage with each other and other ESOs to prevent injustice.

Summer 2018 Lost Section

Finally, as the last paragraphs in the Summer 2018 edition fell off the back of the Journal, the missing paragraphs are included here in this article.

Models for Professional Advocacy.

ADSO contends that the Canadian Bureau of Pension Advocates (like its counterparts elsewhere) is the product of that nation's unique culture, imperatives and experiences. ADSO has proposed incorporation of an Institute of Professional Military Advocates that is built on Australia's military and veterans' traditions and legislative provisions. Currently, around 40-50 advocates of the 1,600 are paid. ADSO accepts, however, that some movement towards a higher proportion of paid advocates is inevitable. Be that as it may, the tradition of Mates helping Mates is as strong amongst younger veterans as it is for the current cohort of Vietnam-era advocates. ADSO submits that the future will involve an amalgam of volunteer and paid advocates

Sustainability, Consistency and Reliability

- (i) ADSO contends that the advent of ATDP has set in place the foundations for national consistency as advocated in the Rolfe Review.
- (ii) The increasing number of accredited advocates are supported by the experienced and competent TIP-trained advocates that either remain in practice at Levels 3 or 4 until December 2021. Together these cohorts will ensure that service delivery is reliable. If their ESO/VSC can encourage the latter cohort to stay on as mentors, the prospects of reliability will be further enhanced.
- (iii) Sustainability has a numerical limb that is, at this stage, perceived widely to be the most problematic. ADSO contends that there are, however, pools of potential candidates that have to date not been tapped. These include veterans that are on INCAP/PI, and spouses of veterans. Clearly, the nature and level of incapacity of the

former and the freedom of the latter to find time away from family commitments or work are relevant considerations.

- (iv) ADSO has suggested a concerted recruitment drive and the paying of some advocates to access the latent pools.

Efficiency and Effectiveness

- (i) ADSO agrees with the wider view that transition is a particular need that collaboratively by Defence, DVA and the ESO/VSC community must attend.
- (ii) The introduction of legally trained public servants or legally qualified professionals, however, has the potential to be so disruptive that it would incur inefficiencies.
- (iii) ADSO is frankly concerned that the decision to employ legal professionals would be destructive of voluntary advocacy. Just as the introduction of ATDP has led to the loss of valued volunteers from advocacy, so too would lawyers would lead to further losses.
- (iv) ADSO cautions that the ramifications of the proposal be weighed very carefully. At the moment, the cost to Government of veterans' advocacy is the \$4m allocation to BEST. Contrary to the Contestability Programme's cost-saving objective, the Government may find itself with another ill-considered policy initiative that ends up costing many times the current budgetary outlay. ADSO estimates the annual expense would be around \$120m.

Level of Service

- (i) ADSO contends that, as is befitting for those who have been prepared to lay down their life for their fellow citizens, the level of service delivered by DVA is markedly superior to that accessed by society's most disadvantaged and most disabled.
- (ii) To contemplate transfer of services to a mega-department would therefore render ADF members and veterans' commitment and their families' steadfast support as being of no value to society. To create this impression – let alone reality - would place Australia's national security in jeopardy.
- (iii) Again, ADSO cautions Government to consider thoroughly the full range of ramifications of policy driven by dogma.

Interest-focused Services

- (i) ESOs' role has long been to bring the interests of its veteran members to the attention of Government.
- (ii) ADSO notes that its efforts are complemented well by the various forums in DVA's National Consultation Framework and by the workshops that have been conducted by Project Lighthouse and ATDP. Indeed, the participatory research methodology adopted by the workshops is the 'gold standard'.
- (iii) ADSO proposes that the interests of veteran groups will be enhanced if the findings of the various Forums and workshops are integrated into DVA's annual planning cycle. This proposal is consistent with Professor Peter Shergold's recommendations in many reports for and to governments.

Appeals

ADSO is trenchantly opposed to amending VEA 1986 to allow legal practitioners to represent veterans at the VRB. ADSO contends that it would make the VRB:

- (i) a full-cost jurisdiction;
- (ii) incur unacceptable financial risk for veterans;
- (iii) divert the focus from the merits of facts and contentions to points of law;
- (iv) deny veterans the Board's full attention to them and their circumstances; traumatise those already traumatised; and undermine the veteran community's trust in the fairness of the appeal pathway.

Governance and Quality

ADSO draws the Study's attention to the governance and QA features of its proposed Institute of Professional Military Advocates. These include:

- (i) incorporation with a professional Board;
- (ii) adoption of a social enterprise model, with social benefit and economic sustainability objectives;
- (iii) joint ESO-DVA funding and public donations;
- (iv) responsibility for training, standards, service delivery and quality assurance;
- (v) independent oversight by ASQA; and
- (vi) adoption of a 'market stewardship' approach to ensure independent monitoring of service delivery.

Stakeholders' Roles and Responsibilities

- (i) ADSO submits that one of the consequences of VCR has been to strengthen the partnership between its 18 Members and DVA. Amendment of the ESORT agenda to facilitate discussion of strategic concern to ESOs has further strengthened the ADSO-DVA partnership.
- (ii) Completion of ESORT's shift of focus to the strategic issues that are relevant to the national leadership will cement collaboration.
- (iii) Robust, but respectful engagement, focused on issues appropriate to the Forum's level can only have benefits for service delivery in general and to advocacy services in particular.

Implementation and Costings

ADSO would welcome an opportunity to engage with the Study in developing an implementation plan and costings for the models it considers."

Stop Press

At the time of writing on the final day of the INVICTUS Games, the Prime Minister and Minister for Veterans' Affairs announced that the Government '*will develop*' a Veterans' Covenant and issue a Veterans' Card and Veterans' lapel pin. The Media Release can be accessed at: <https://www.medianet.com.au/releases/169227/>

In parallel, the Commonwealth Minister and State/Territory Ministers for Veterans Affairs released a Joint Communique following their Ministerial Round Table. The Communique can be accessed at: http://minister.dva.gov.au/media_releases/2017/nov/joint_vmm.htm