



**SENATE FOREIGN AFFAIRS, DEFENCE AND TRADE REFERENCES COMMITTEE
INQUIRY INTO COMPENSATION AND INCOME SUPPORT FOR VETERANS**

SUBMISSION OF THE FAMILIES OF VETERANS GUILD

The Families of Veterans Guild (**‘the Guild’**) proudly owned and operated by Australian War Widows NSW Ltd is grateful for the opportunity to assist the Senate Foreign Affairs, Defence and Trade References Committee (**‘the Committee’**) with its inquiry into compensation and income support for veterans.

The Guild represents over 2,000 widows and families of veterans. We offer our support to all families of veterans, from the moment their loved one commences their service and beyond. We do so because we understand the unique sacrifices veteran families make, and the impacts of those sacrifices. Our vision is to see all families of veterans thriving, resilient, acknowledged and respected because they are crucial for a strong and robust Australian Defence Force (**‘ADF’**). As the Royal Commission into Defence and Veteran Suicide noted *“One person joins, the whole family serves.”*¹

In preparation for this submission, we asked the community of veterans and their families what they thought about the Committee’s terms of reference. We had a small response with 8 veterans and their families sharing their detailed views with us. These views are included throughout this submission.

The Veteran Compensation System

It is well known that the veteran’s compensation scheme is difficult to access, and veterans and their families often need help to access their entitlements. It is also well known that the system operates in an adversarial manner, despite its intent and beneficial nature.

The Guild submits that while some of the complexities in accessing the compensation system may be mitigated with the consolidation of the Veterans’ Legislation which occurred earlier this year, it will not solve the problems that the Committee is inquiring into. This is because the underlying culture in the system remains the same and the onus remains on the veteran and their family to prove their entitlement exists.

This approach creates an undertone of mistrust and poor relationships for veterans and their families. We hear often how veterans are trusted while in the ADF to do all sorts of things, including using lethal force in defence of Australia. However, when that same veteran says to government, I am hurt and I need help, the government system says, ‘prove it’.

At the outset of this submission, it is important to note a few core principles that underpin the system. The first, the ***unique nature of military service***. This is very well articulated by Patrick Lindsay in the Royal Commission into Defence and Veteran Suicide’s Report “Shining a light”, Mr Lindsay says:

¹ Royal Commission into Defence and Veteran Suicide: Final Report (2024) Vol 6 at 27.4 p 14.



“In joining they surrender many rights and liberties they would otherwise hold as Australian citizens. They do so willingly, entering into a service contract with the ADF under which they agree to live their lives largely at the whim of the command structure, doing what they are told, living where they are told and moving when they are told. They voluntarily accept the risks of service, which can and often do cause physical and mental injury, even death. In return they expect the ADF and their nation to care for their health and welfare both during their service and after it.”²

What Mr Lindsay is referring to is the next core principle, the **social contract** between a nation and those that would defend it. This principle is well articulated by Dr Bernadette Boss in her interim report into veteran suicide. She said:

“The social contract between the Australian Government and veterans obliges the Australian Government to ensure veterans’ lifetime health and wellbeing as repayment for the abrogation of their absolute right to life during their service defending the country and the lives of its people.”³

It is these founding principles that lead to the next core principle, the **laws governing veteran entitlements are beneficial**. Beneficial legislation refers to laws that seek to provide assistance, remedy an injustice by conferring a benefit on individuals or groups as opposed to conferring obligations and penalties on individuals or groups. It also needs to be interpreted in a way that seeks to confer the benefit as opposed to deny the benefit.

This principle leads to the next: **veterans and their bereaved families have entitlements** under the governing laws. Entitlements are rights to something. A right implies a moral, legal or other strong obligation to respect the right of that person. This is about providing a reward or special advantage to a veteran or their family member it is an entitlement that arises because of the unique nature of military service discussed above.

With that as the foundation, the Guild submits the very fact that veterans and their families need to rely on third parties such as advocates, lawyers or other intermediaries to access their entitlements is a point of failure in this system of care. It is a point at which already unwell veterans and their families are forced to go through complex processes just to get in the front door of the Department of Veterans Affairs (**‘DVA’**) and that’s not even the end of what will now be a lifelong journey with DVA. The Royal Commission into Defence and Veteran Suicide (**“Royal Commission”**) demonstrated the catastrophic effect of red tape, mistrust and system delays on veterans and their families.

Changes to the legislative framework do not change how the system operates or is applied. The concerns voiced during the Royal Commission regarding the application of the veteran system and access to entitlements continue today. It is what sees widowed partners caught up in bureaucracy and waiting 10 years for access to the system. It is what sees other widowed partners not even bother pursuing their entitlements because they don’t want to go through the heart ache and re-traumatisation of the process.

² Page 17. Commonwealth of Australia (2024) *“Shining a Light: Stories of Trauma & Tragedy, Hope & Healing”* ISBN: 978-1-921241-97-0

³ Commonwealth of Australia (2021) *“Preliminary Interim Report, the Interim National Commissioner for Defence and Veteran Suicide Prevention.”*



As noted above, we asked veterans and their families what they thought of the claims system. There was a mixed response from the small sample we collected. Their views on the core elements of the Committees terms of reference are outlined below.

Views on the claims system

We asked the community what their general views were of the compensation system. They told us that:

1. *"Veterans often struggle with bureaucracy, inconsistent advocacy quality, and unnecessary delays. Advocates shouldn't be necessary if DVA actually functioned as it should. It should (the Department) make the claims process clearer, fairer, and more veteran-centric from the start."*
2. *"There needs to be true change and this will only happen with true consultation from those that experience this on a daily basis."*
3. *"Overall, it is very bad, I've had 4 different free advocates in the past 2 years and still my claims aren't done."*
4. *"Didn't have much opinion till I started claiming. Then I ended up needing help with it."*
5. *"I got nowhere with RSL (did not call me back) and I did not have time to do this myself due to work commitments. I used an advocate, which called me back within 24 hours and they then managed everything else, making the steps I had to take easy and clear. They provided a service and therefore I did not mind there being a fee. The fact that I had a choice was what worked for me."*
6. *"Absolutely appalling. I have been trying to get assistance for 23 years! Was completely denied acknowledgment for the first 15 years! Was completely ignored in attempt to be heard at the Royal Commission!!!! And still waiting for realistic assistance from DVA!!!"*
7. *"I have found DVA to be very helpful. They initiated my war widow's pension over the phone, while I gathered the necessary documents, and emailed them to DVA. They also gave me money to help me through the initial period of my husband's death. I initially called them to inform them of my husband's death... and they swung into action...DVA did a lot of the work over the phone and sent me all the forms I needed to get a War Widow's Pension. They told me what certificates I needed to get notarised and then I emailed them to DVA. They gave me the name and phone number of a person to contact should I have any problems."*
8. *"Outside the cities there are not enough services. Many veterans still do not want anything to do with the RSL and there is still a wariness of anywhere that is government/DVA funded. There are not enough people with the time and the patience to undertake the training even if they can find somebody to mentor them."*

These responses highlight the inconsistency in the system and the need for a more accountability mechanisms. While it is pleasing to read that some people have had positive experiences with DVA facilitating access when it is needed (*note point #7*), this isn't the normal situation but it should be. In the Guild's experience assisting war widows and veteran families



accessing the system, the experiences are more like the other 7 responses above. The Guild is hopeful that reform in the veteran advocacy space will resolve many of the issues these experiences highlight.

However, the reforms are not transformative enough to really solve the larger problems because they don't change the nature of the system. They do not go far enough to bring it back to the core principles discussed above.

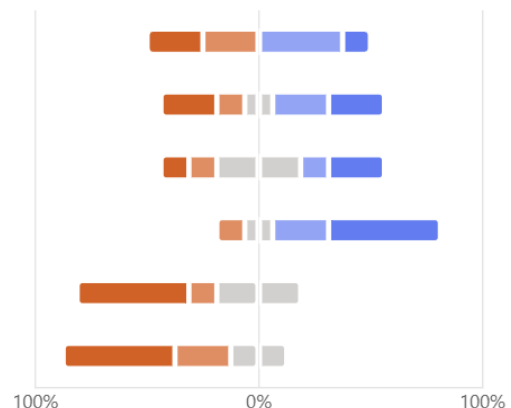
The Guild agrees with the responses shared by a veteran at point 1 above. Specifically, that if the system was functioning as it should, the need for advocates and third parties ought to be minimal. If this were the case, the experience highlighted at point 7 could be easily replicated by any veteran or their family member calling the department and seeking access to entitlements.

Views on the appropriateness of claims advocacy specifically

For the small sample that responded there was strong agreement that the current regulation of the claims system is not appropriate and neither is the training. 50% of those that responded to these questions had submitted DVA claims. The respondents strongly agreed that veterans and their families need some form of assistance in making their claims, but the best way to go about that brought mixed views:

● Strongly disagree ● Disagree ● Neutral ● Agree ● Strongly agree

1. It is appropriate for advocates to charge for DVA claims advocacy
2. It isn't appropriate to profit from DVA claims advocacy
3. All DVA Claims advocacy should be free
4. Veterans and Families need claims advocacy to access entitlements
5. Currently regulation of DVA claims advocates is appropriate
6. Current training of claims advocates is adequate



Views on paying for services

Regarding the questions on if advocacy services ought to have a fee attached, respondents who had paid for a service shared why they chose to pay, noting:

- *"My free advocate took 6 months just to call me back!"*
- *"Wanted to get a good service."*
- *"Time and efficiency and service"*

For some that had not paid or were engaging with a paid service for the first time, they said:

- *"it's a complex system that requires a lot - peoples time should be valued"*
- *"I got good service from the people I paid."*
- *"I am too busy working..."*
- *"I tried filing on my own, then was confused so I hired a for-fee advocate. Been happy so far."*



One respondent shared a very negative experience in paying for services. This is of course the risk as this sector opens up to more providers and isn't regulated:

- *"I have been pushed to mental breakdown and financial crisis. I was swindled out of crucial funds by a "legal advocacy group" who did NOTHING but put me in further trouble."*

One respondent highlighted the need for options, choice and accountability very succinctly. The Guild concurs with this view:

- *"Veterans deserve choices and options. If they have the time, inclination and ability to do themselves, they should have that option. If they want free assistance, they should have that option and if they don't mind paying for the assistance, they should have that option also, with standards and frameworks."*

There is clearly a need for accountability and clear standards when it comes to claims advocacy in this space. The lack of accountability, redress or complaints system could be what is at the heart of this issue as opposed to the payment or otherwise for advocacy services.

Veterans and their families generally will turn to a paid advocate because they want efficient service or the ability to hold the advocate accountable for their work on their case. After all, for the veteran and their family what are referred to as 'claims' are more than that. They are often their support line, their ask for help and their lives. These 'claims' have significant power and influence over a veteran's life and that of their family's as well, particularly where that veteran is wounded, injured, ill or deceased. Each claim represents a harm in a veteran's life or their family's life. The people helping veterans and their families to access the system ought to be held to a professional standard whether or not they are volunteers, paid staff, lawyers, paralegals or otherwise.

Views on the appropriateness of training and service standards

As already noted, respondents highlight the strong need for accountability and service standards to govern and support this element of the veteran sector. On the appropriateness of what already exists, respondents said:

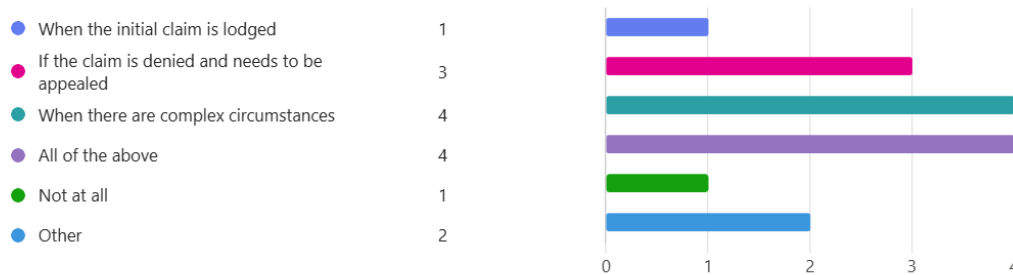
- *"Because there is no uniformity in the support across the advocate sector in that one advocate (if you can find them in your area) might be "okay" but one who is fully across the sector and entitlements for your needs might be in Queensland or something. If there was uniform regulatory training for all advocates and a network of support for them to ask and answer each other's questions, we could have a better system to support each other equally."*
- *"Advocates need to be trained in the standards required and the process to make and appeal claims. Advocates should be able to demonstrate that they have met that standard."*
- *"Regulation of training should make it easier to claim services as then everyone will be on the same page."*
- *"Because of the cowboy outfits that promote and promise unrealistic expectations"*



Views on the role of a legal service

The Guild asked respondents for their views on the appropriateness of a legal service to support claiming. Highlighting such a service was available during the Royal Commission. 75% of respondents thought this was a good idea and should continue for veterans and families, supporting them in making DVA claims. Specifically in the following circumstances:

14. When do you think is legal/ professional support most required by veterans and their families in making DVA claims? [More details](#)



For those who didn't think it was a good idea, they commented:

- *"Lawyers will only make this worse"*
- *"The entering of a claim, done correctly, with the correct paperwork is not a legal matter. the advocate cannot and should not influence the amount payable to a claimant. They advocate is not representing the veteran in a legal / adversarial way. they are processing a claim, therefore legal aid is not appropriate"*

Ideas for a future system

We concluded the questionnaire by asking respondents what their ideas were for a future system where the issues they had identified were resolved, they said:

- *a digital service that allows access online through a platform where anyone can lodge the advocate can pick up and check claim contact and go over claim and discuss verbally what is required to move through smoothly into the claiming process with DVA*
- *The ability to add the advocate fee to the payout.*
- *Everything done online or by a phone call. For those not computer literate, help from the local sub - branch or even war widows Inc. of NSW.*
- *I believe that if Advocates were to be paid, they should be like para legals and recognised as having a level of expertise.*



The future of the compensation system

From the Guild's perspective the short-term future of the claims system needs to contain the following key features:

1. **Choice** - veterans and their families have the ability to choose how they will interact with the claims processes.
2. **Accountability** - to raise the bar of the services provided and provide a pathway of redress should the experience of veterans and their families cause further harm.
3. **No cost legal support** - a free legal service is provided to veterans and their families whose claims have been denied and are being appealed.
4. **Legislative change** – to change outdated, archaic and offensive terminology used to reference veteran families and spouses. Further, the legislation needs to expand to cover the needs of the families of veterans as well. *Attachment A* contains our detailed submission to the Senates Legislation review on this matter for context.

In the longer term the Guild wants to see fundamental reform throughout the entirety of system. Fundamental transformation which reverses the onus and actually puts veterans and their families at the centre of the system. That demonstrates trust in the veterans who trusted their country when they signed their lives over to the Government. This could include:

1. **Expanded presumptive liability** – the true beneficial nature of the system is embraced with a presumption of liability being applied to veteran illnesses, injuries and deaths except for prescribed conditions which simply could not have been caused or aggravated by ADF service. This would remove significant complexity and see only claims investigated where ADF service could not have been a factor in their onset.
2. **Inclusion of families** – including entitlements for families of veterans to meet their mental health needs and remove barriers to entitlements that prevent service and support access for those most in need and most impacted by ADF service.
3. **Assisted claims processing** – in the United States there is a company called Cotiviti (the Guild is not affiliated with them but is referring to them as an example). This company provides the ability for health insurance companies to process claims at significantly high rates. The technology improves claims efficiency, accuracy and timely decision making, weeding out fraudulent claims and increasing output. This is one example of technology that is out there and rapidly evolving, technology tools like this ought to be investigated and assessed by the government.
4. **DVA getting back to its core role** – where the experience of the war widow noted on page 3 is simply the normal experience of all veterans and their families. They make a call explain their circumstances and entitlements are activated.

These are significant changes and ones the system isn't currently yet ready for, however they ought not be discounted because of that. The veteran system needs to transform, and we need to start thinking about what that might look like today.

Conclusion

The Guild calls for this system to get back to its foundations, the core principles outlined above. When the rebuild starts from there, the strategy becomes clearer. Using those core principles to create a vision for the future of the veteran system in Australia will keep it on track and ensure that all of the hard lessons we have noted, but not yet learned since at least the Vietnam war, are finally heard and there is real, meaningful and systemic change.



As with every issue in this policy space, access to entitlements is yet another complex and complicated issue. These issues have become complicated because they have been left unexamined and under scrutinised for too long. The Guild thanks the Senate and the Foreign Affairs Defence and Trade Committee for heeding the Royal Commission and standing up for veterans and their families. For taking a keen and close interest in this fundamental policy space to ensure Australia learns the lessons from the Royal Commission and makes real and meaningful change. Thank you for helping to keep a spotlight on all matters affecting veterans and their families and for ensuring we all get to have a voice and have a say on the system that governs our lives.

Attachment

Attachment A - Submission to Senate Inquiry into the Veterans Entitlements, Treatment and Support (Simplification and Harmonisation) Bill 2024

Questions and enquiries on this submission can be directed to Renee Wilson, CEO at ceo@fov.org.au