

## **DISCUSSION PAPER**

### **VETERANS TRAINING**

### **PENSIONS & ADVOCACY**

**Prepared by Mr. William A. Kearney OAM JP(qual) on behalf of the Wide Bay  
Burnett District of the Returned and Services League of Australia.**

This Paper is prepared as a discussion point. Recommendations are made in the interest of the betterment of the provision of Pensions and Advocacy support to Veterans and their families.

## **Current Situation**

In Queensland there are approximately eighty ex service organisations. Some of these are social groups, dedicated to sharing information between past members of various units, or theatres of conflicts experienced in their time within the Australian Defence Forces. Other organisations are dedicated to the provision of Pensions and Welfare Services (PAWS) to the wider Veteran, Ex Service and War Widow Community. Some of these organisations perform a dual role, of providing fellowship to members as well as the Pensions and Welfare support. The third faction is geared toward the provision of PAWS to a specific targeted group. Legacy is an example of this. This support varies from Basic Welfare, all the way through to support at the Administrative Appeals Tribunal. The level of assistance that can be given depends upon the level of training that an individual has achieved.

All organisations and individuals that are actively involved in the provision of Pensions, Advocacy and Welfare support, are required to attend a Training Information Package (TIP) seminar that then “qualifies” the individual to be endorsed to practice at the level attained or level of training attended. Currently there is no assessment to gauge the degree of comprehension or understanding of the material presented to any individual who has attended a seminar.

There is some confusion about when once a person is “trained” to a particular level, whether they possess competency at that level. TIP suggests that they only provide the information and it is up to the Ex Service Organisations (ESO’s) to assess and endorse competency at any level. Some ESO’s have queried that they, the ESO, claim they do not have the skill to assess the competency of an individual who has attended the relevant training.

Currently at the primary level, TIP training is restricted to the filling out of relevant forms and some discussion in the Statement of Principles and a little on precedent cases. A Case Officer assists in the preparation of a case for appeal and assessment at Internal Review while the Basic Advocacy course is gauged as the tool needed to prepare and present claims at the Veterans’ Review Board (VRB). Decisions from the VRB can be appealed to the Administrative Appeals Tribunal, with qualifications to assist at this level being the attendance of the Tribunal Advocacy Course at the Australian National University in Canberra for five days. Pensions Officers and Advocates are required to requalify every three years to continue practicing at the required level

It is suggested that once an individual has attended training, the ESO is to provide mentoring to that individual until there exists the satisfaction that competency has been achieved. Still there is no benchmark or guide available to any ESO, to offer a defined view of what “competency” is and when it has been achieved.

This is more difficult when people are practicing in remote locations or working within an ESO that has limited resources or volunteers.

This system is somewhat confusing and despite some attempts by individuals, nothing has been adequately resolved.

Queensland RSL has responded to the uncertainty created by this situation by developing the highly successful PAWS forums. These, originally two per year, State wide, have now been extended to the development of Mini PAWS Forums within each RSL District. These mini forums are available to any ESO who wishes to send a representative. This concept has been well received by the greater ESO community with extremely positive feedback.

In his Report dated January of 2009, *an Independent Study into Suicide in the Ex Service Community*, Professor Dunt made a number of wide ranging recommendations as to how things could be improved on a number of fronts, within The Department of Defence, the Department of Veterans' Affairs (DVA) and the Ex Service Community. Defence and DVA have responded to most of these recommendations while the Ex Service community have yet to respond. The primary recommendation to the Ex Service Community was as follows;

### **8.5 Recommendations**

Recommendation 8.1: While volunteer Pension Officers endorsed by ESOs have provided a great community service, it is time to move to a new two-tier system. The first tier would consist of largely volunteer TIP trained Officers as at present. They would in future restrict their advice to straightforward cases.

The second tier would consist of a new group of trained Pension officers and Advocates who would be accredited on the basis of their completion of a Diploma or Certificate IV TAFE qualification. They would be paid through BEST or similar DVA-funded program. They would provide advice to veterans in cases that were not straightforward including appeals and tribunal appearances.

Both groups would be subject to appropriate quality assurance procedures.

Both tiers of Officers would operate with the endorsement of an ESO. The second tier, paid, accredited Officers would operate on a day-to-day basis more independently of the ESOs so they can provide services both to veterans who align themselves with an ESO and those who do not by reaching out to the veteran

Currently, those functioning at the primary level are viewed as the first rung in the ladder and the three day non qualifying course is deemed as sufficient to advise and assist veterans and War Widows with the completing of the necessary paperwork to submit a claim at the primary level within the framework of three different legislations. The danger here is that well meant but incorrect advice, once put on a form, signed by the applicant, then submitted to the Department is evidence that **cannot** be undone. Further clarification may have a slim chance of repairing damage but this is extremely rare. The outcome of this is that a Veteran, at best, is

locked into a lengthy appeals process, or alternately denied benefits for life that they could have been receiving if the case was done correctly.

Few Pensions Officers are aware that VITA Insurance only covers them if they do things correctly. If a mistake is made that can be traced back to a particular person providing advice deemed inappropriate, the question of support from VITA is complex within itself.

There is a contrary view that the most important person within the claims process is the person who assists with the paperwork at the primary level. Forms filled out then presented to the applicant to sign are binding. It is necessary to give these people the training and recognition that they deserve and the confidence to know that they have correctly interpreted the information supplied and are able to assist in a manner that will keep the claim within the “simple” model.

Referring to the recommendation above by Professor Dunt in his report, this certainly provides a subject for stimulating discussion. At the time of writing there is an understanding that there has been no action by the Ex Service community generally other than TIP advising that they do not possess the skills and resources to develop an assessment based and qualifying training programme.

There has been a review conducted into BEST/TIP handed down in March of 2011. Again there were recommendations around a two tiered structure involving volunteers dealing with the less complex cases and paid Advocates dealing with the more “complex” cases. There was no definition or explanation as to when the transition to complex occurs.

Further, the model did not look at exactly what training would be required at any level to enable people to assess when the transition from “simple” to “complex” occurs.

There is also discussion on the matter of non assessed training for volunteers and assessed or tested training at a higher level for paid advocates.

### **Recommendations.**

In view of the above, it is recommended that the Returned and Services League, Queensland Branch convene a forum of interested **and qualified people**, regardless of organisational affiliation, to work through the issues in order to develop a series of training courses. The aims of the conference would be

- Develop an overview of all knowledge content required to assist in the Pensions and Welfare arena
- Prioritise the knowledge into manageable stages that content should be presented.
- Design the modules needed and outcomes expected at each level
- Discuss timelines for attendance at each level and an overview as to assessment criteria for movement to the next level.

It is further recommended that Mr. Bruce Tupperwine, who is currently contracted to the Leagues National Office to undertake special projects, be approached to assist in this matter. This recommendation is made with the understanding that Mr. Tupperwine developed and presented a highly regarded Veterans' Law Course at the University of the Southern Cross in New South Wales and has extensive knowledge and experience within the Veterans' Law Arena.

Other participants should only be drawn from the existing practicing AAT Advocates within Queensland. The forum could be opened up to participants from other states however this would be at the cost of that state or sponsoring ESO. It is recommended that the forum consist of no more than a Chairperson and seven participants.

It would be expected that the Department of Veterans' Affairs would also be involved and the final product agreed to by consensus before the involvement of a providing body such as the Queensland TAFE system.

For interested consideration

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