



8 October 2025

Senator the Hon Sarah Henderson  
Chair, Foreign Affairs, Defence and Trade References Committee  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

By email: [fadt.sen@aph.gov.au](mailto:fadt.sen@aph.gov.au)

Dear Chair

### **Advocacy services for veterans accessing compensation and income support**

The Law Council of Australia welcomes the opportunity to provide a submission to the Senate Foreign Affairs, Defence and Trade References Committee's inquiry into issues relating to advocacy services for veterans accessing compensation and income support (the **Inquiry**).

We note the Inquiry's terms of reference refer to the representation of and advice provided to veterans and families seeking access to compensation and support from the Department of Veterans' Affairs (the **Department**). This submission will comment on:

- (a) the appropriateness of commercial entities, within and outside Australia, providing advocacy services, including the charging of fees or commissions on statutory entitlement payments; and
- (b) representation of veterans at the Veterans' Review Board (**VRB**), including by legal practitioners.

The Inquiry follows consultations by the Department in 2024 on the proposal to establish the Institute of Veterans' Advocates. In a submission dated 23 October 2024, the Law Council provided support for this initiative while noting the importance of ensuring that legal practitioners are not required to become members of the proposed Institute to provide advocacy services to veterans.<sup>1</sup> That position reflects the highly regulated nature of the legal profession, and the desire to avoid dual regulation. For more information, see the Law Council's *Lawyer Regulation in Australia* (2024) paper at **Appendix A**.

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<sup>1</sup> Law Council of Australia, Submission on the creation of an Institute of Veterans' Advocates, (23 October 2024), online <https://www.dva.gov.au/sites/default/files/2025-02/submission-2024-94.pdf>.

In response to the terms of reference, the Law Council notes the following:

- we continue to recommend removing the prohibition on legal practitioners and persons holding a legal qualification representing veterans at hearings before the VRB; and
- whilst we appreciate the important role of both voluntary and remunerated veterans advocacy services, we are concerned about the potential for paid advocates to be providing non-qualified legal advice and for vulnerable veterans to be misled about the advocacy services available to them.

#### Lifting the prohibition on legal representation at the Veterans' Review Board

Section 352G of the *Military Rehabilitation and Compensation Act 2004* (Cth) prevents a person with legal training from representing veterans or their families at a VRB hearing. Lawyers can, however, assist in preparing an application, participating in alternative dispute resolution (**ADR**), and providing written submissions for hearing.

It is the long-standing view of the Law Council that the above prohibition should be lifted, and that veterans should be afforded the right to legal representation before the VRB.<sup>2</sup> That is particularly important given the complexity of issues and legislative framework involved in these matters, as well as the significant impact of decisions on a veteran's health and wellbeing. Allowing the right to legal representation is also likely to promote efficiency in decision-making by ensuring cases are properly prepared and presented; and reduce the likelihood of appeals against decisions made at this stage. In our submission, legal representatives are well placed to promote the effective and efficient administration of matters before the VRB, and the current restriction limits the ability of veterans and their families to access qualified advocacy during a critical stage of the review process. Put simply, there is an unhelpful, possibly unfair, limitation in the way veterans access justice.

We also reiterate our objection to the contention that introducing legal representation may increase costs and introduce adversarial elements to VRB hearings. The complexity of the matters often before the VRB warrants legal expertise so as to avoid adversely impacting the quality and timeliness of decisions. Any concern that legal representation may increase the cost and duration of proceedings, or inject adversarial elements, can be addressed through procedural safeguards, including maintaining the VRB as a no-cost jurisdiction, implementing cost caps or refining procedural rules to preserve the VRB's non-adversarial nature.

If, contrary to our primary recommendation, the Committee does not recommend lifting the prohibition, the Law Council's alternative position is in support of legally trained advocates being made available to appear with the leave of the VRB. Under [section 596](#) of the *Fair Work Act 2009* (Cth),<sup>3</sup> a person may be represented in a matter by a lawyer or paid agent if granted leave by the Fair Work Commission (**FWC**). The considerations available to the FWC in deciding to grant leave include matters of efficiency and fairness. If the prohibition is not lifted, the Law Council contends that a similar approach could be adopted by the VRB.

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<sup>2</sup> Law Council of Australia, [Submission on Veterans' Advocacy and Support Services Scoping Study](#) (5 September 2018).

<sup>3</sup> *Fair Work Act 2009* (Cth) [s 596](#).

Advocacy services and non-qualified legal advice

If delivered effectively, non-legal veteran advocacy services can offer effective and sustainable support for veterans in relation to claims for entitlements and compensation, including at hearings of the VRB and the Administrative Review Tribunal. However, the Law Council understands that there are concerns about the appropriateness of paid non-legally qualified advocates providing what may be classified as legal advice.

The Committee is reminded that there is a general prohibition on non-lawyers engaging in legal services, and, in some instances, non-qualified legal practice may amount to a criminal offence.<sup>4</sup> Instances of legal advice being provided by non-qualified individuals should be referred to the legal profession regulators in the respective state or territory jurisdiction. A paper prepared by the Law Council that sets out the distinction between legal services and advocacy is **Appendix B**.

We note that some jurisdictions include safeguards for pro bono advocates assisting veterans. For example, Rule 7 of the *Legal Profession Regulation 2007 (ACT)* allows members of an organisation representing veterans to engage in unremunerated legal practice to assist veterans, without breaching the prohibition on engaging in legal practice.<sup>5</sup> As this exemption only applies to legal services provided 'without fee, gain or reward', we remained concerned that advocates engaging in commercial advocacy on behalf of veterans risk committing an offence through the provision of non-qualified legal advice.

The distinction between non-legal advocacy on behalf of veterans and the provision of legal services is important, and we submit that there is a need for improved education, awareness and regulation for commercial advocates to ensure that this division is clearly maintained and that veterans are fully informed about what advocacy services are available to them.

Thank you again for the opportunity to make this submission.

Yours sincerely

**Juliana Warner**  
**President**

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<sup>4</sup> See for example, *Legal Profession Uniform Law (NSW) No 16a of 2014*, s 10.

<sup>5</sup> *Legal Profession Act 2006 (ACT)* s 16.