



**REVIEW OF DVA – FUNDED ADVOCACY AND WELFARE
SERVICES**

**SUBMISSION FROM THE
VIETNAM VETERANS ASSOCIATION,
NEW SOUTH WALES BRANCH ^{INC}**

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BACKGROUND

BEST was introduced in 1999 replacing the lapsed Claims Assistance Grants Scheme (CAGS). It was introduced to compliment the Training and Information Program, (TIP) which was introduced in 1995 to provide training to ESO welfare/pension officers and advocates.

The BEST scheme was developed in close consultation with ESO stakeholders. The Vietnam Veterans Association of Australia takes great pride in being a leader in the development of training for of welfare/pension officers and advocates as we had developed and implemented training before TIP was introduced. We make claim that TIP was modelled on the VVAA training program.

INTRODUCTION

The Minister for Veteran Affairs expressed disquiet in the administration and accountability of the BEST scheme. A number of major ESOs also expressed concern about the proliferation of minor ESOs and groups making submissions for BEST funding, not understanding what these other groups were bringing to the BEST table.

The Terms of Reference are broad and include the inter-relationship of the BEST grant with other grants offered by the Department of Veteran Affairs. We address each issue within the Terms of Reference.

One point which must be raised is that, Better Enterprises who were commissioned by the department to undertake the 2000 evaluation of the BEST Scheme noted that having a well-run BEST scheme had saved the department over \$15m pa that year (2000). We estimate that for an outlay of \$5.6m pa the department now saves over \$30m pa. In any event, BEST saves the department significant outlays.

The alternative model for BEST is the Canadian model which would disassociate ESOs from the pension and welfare system. ESO involvement in pensions and welfare has evolved in Australia over 90 years and is continually amended and improved. The NSW Branch of the VVAA (VVAA NSW) expresses its surprise that 80% of BEST monies are paid in wages.

13 recommendations arise from this submission.

BEST GRANTS PROGRAM

The BEST grants program has a proven track record in assisting veterans, ex-service personnel and war widows. However over the last five years more and more small organisations are being recognised as legitimate ESOs, a requirement within the BEST Agreement and Guidelines, and have inundated the system with submissions for grants.

Within the Round 11 Grants 213 organisations claiming to be ESOs under the Guidelines received funding totalling \$4m across Australia. Within NSW 52 organisations were granted BEST funds for R 11. The breakup can be represented as:

ANZAC House NSW and RSL Sub-Branches	38 grants
VVAA NSW incl all Sub-Branches	1 grant
Legacy Head Office and 6 Sub-Banches	6 grants
VVPPA and 4 Sub-Branches	3 grants
48 other organisations	???

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This might be compared with the new NSW ESO forum for which the department recognises only the following ESOs, most of which include Sub-Branches:

- RSL
- Legacy
- VVAA
- VVPA
- War Widows
- ISPA
- PVA
- TPI Association

Approximately 44 other ESOs who receive BEST funding are therefore unrepresented at this forum.

DVA GRANTS

VVAA NSW considers the existing grants system should remain. It meets the needs of ESOs and has been well developed and adjusted over the years. BEST should stand alone under any new guidelines which may be implemented.

TIP should be a standalone grant but should be reassessed as to allocation of funds to States and in some cases centralised in larger States who can service smaller States.

The training modules developed for TIP should be consistent nationally.

TIP presenters must at least have undertaken the equivalent to the NSW TAFE Certificate IV requiring only at minimum one unit “provide training through instruction and demonstration of work skills”. Military promotion and instructional courses should be considered the Cert IV equivalent.

Veterans and Community Grants should be retained. The review committee should look closely at both schemes to ensure that grants for past conflicts, other than for repairs and maintenance, are closely monitored.

Community grants should also be monitored to ensure that monies granted are directed at projects with a significant veteran element rather than those with a broad community interest which might involve a small number of veterans.

The Community Grant Scheme should be focusing on the families of veterans and funding community activities to assist the partners, children and grandchildren of veterans and ex-Service personnel. The grant should also be used to assist ESO welfare groups to provide social services such outings, bus trips and attendance at events which are significant to our older veterans and ex-Service personnel as well as the sick and infirm.

The Grant in Aid should be separated from BEST. The types of expenditure covered by the GIA are significantly different to those supported by BEST. GIA expenditure does not fit the framework of demonstrable goals and auditable measurements which apply to BEST. The GIA should revert to its original guidelines.

TRAINING AND INFORMATION PROGRAM (TIP)

When TIP was introduced it was a partnership undertaking, with the Department of Veterans Affairs and participating Ex-service Service Organisation's to *do the right thing, the right way, the first time - together.*

Over a two-year period a training program consisting of fifteen modules was produced by a small group of ESO representative and Departmental Officers working together to provide a uniform and high standard of training on a national basis to ESO practitioners across the spectrum of Repatriation law and practice.

The VVAA made a significant contribution to the implementation and development of TIP through the creation and development of several of the Training Modules used to educate ESO practitioners. It continues to provide quality trainers; and encourage the maintenance of professional standards of skill and knowledge.

Given that the average age of Vietnam veterans is now 63, there has been a steady decline in the number of volunteer TIP Trainers, Welfare, Pension Officers and Advocates. Age, burnout or worsening medical conditions are the major factors.

The submission is based upon the VVAA NSW experience, observation, feedback of TIP trained practitioners in their involvement with members of the veteran community seeking support and assistance, welfare, claims for Disability Pension and advocacy assistance with appeals.

VVAA NSW has also sought feedback from DVA Claims assessors through practitioners operating at the coal face. Our feedback concerns the quality of information on primary claims received by staff working in the Compensation area where assistance was provided by TIP Trained practitioners.

The most pressing potential change is that proposed in the recommendation of Professor David Dunt's Independent Study into Suicide in the Ex-service Community January 2009 as it pertains to the Training and Information Program (TIP) and the Building Excellence in Support and Training (BEST) schemes. Specifically, Section 8 Mental health, compensation & the Ex-Service Organisations Recommendation 8.1:

While volunteer Pension Officers endorsed by Ex-service Organisations (ESO) 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 ESO's 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.

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In reality what Prof Dunt is recommending already exists, except for accreditation on the basis of completion of a Diploma or Certificate IV TAFE qualification. A number of units of this course have been conducted by the NSW TIP Committee.

VVAA NSW does agree with the assertion that standards need to be maintained and uplifted by appropriate training and quality assurance.

There is a strong argument that the existing TIP Level 4 course conducted under the sponsorship of the University of Canberra, the Department of Veterans Affairs and the Administrative Appeals Tribunal (AAT) leading to the award of the *Certificated of Tribunal Advocacy (CTA)* is more than equivalent of Cert IV and applies to volunteer or paid advocates.

The CTA course is more pitched for practitioners appearing at the AAT level rather than the Veterans Review Board (VRB) where most of the demand is. Whilst a significant number of practitioners nationwide have completed this course, very few ever provide representation at the AAT. This specifically applies to paid advocates.

In more recent times a team from the Veterans Review Board provided a refresher Course for Advocates. In our view the involvement of the VRB in conducting such courses for advocates should be further explored and expanded. This refresher course should be focused solely on practising advocates

Our research reveals major changes in philosophy, structure, roles and ownership of the TIP by the DVA and the ESO's.

- The quality and presentation of claim documents by pension officer can be below the standard required and this causes unnecessary delays.
- The Department of Veterans Affairs continues to provide funding for TIP, but are no longer routinely providing specialist presenters on courses.
- While participants in consultative and training groups may be members of ESOs, there is no mechanism in place for ESO to provide input and feedback.

VVAA NSW does provide for such input and feedback as well as mentoring, with consequent pay-offs in quality and discipline.

Although it is difficult to replace aging volunteer welfare/pensions officers right now, we do not believe that this condition is permanent. Most veterans will join an ESO around the age of 35 to 40 when involvement will be relevant to them. Younger veterans and ex-service personnel have career and family commitments and have not yet experienced the full effects of disease and injury incurred due to their service. We also need to remember that there was an operational interregnum post-Vietnam and this is what we are experiencing at the moment.

FUTURE FUNDING MODELS

The main thrust of future grant models has been expressed above.

The allocation of funds for full time administrative assistants within Veteran Centres and ESOs should be reviewed. At Sub-Branch level, volunteers answer our phones and carry out office management and filing. Veteran Centres and major ESOs would find it easy to justify the employment of a full time administrative assistant. Part time administrative assistants are justified but should be kept at the civilian rate of \$15 per hour and should not exceed between 5 and eight hours per week.

In the smaller ESOs and smaller Sub-Branches administrative assistance is an unjustified expense that lacks auditable credibility. The only real justification for administrative assistants is within ESOs who carry out the task of managing the State TIP committees.

There is justification for paid advocates within certain ESOs such as Legacy, RSL main officers, the VVAA and the VVPPA. However they should only undertake that paid advocacy work, in order to keep a clear separation of duties. The question centralisation/de-centralisation needs to be addressed regionally, being gauged on the number of SCRA/MRCA/VEA appeals that are being undertaken and by the number of war widow claims being undertaken.

Consistency of grants is a significant unrecognised issue. Organisations undertake contracts for mobile telephony as well as fixed and wireless broadband on the basis of the volume of work they undertake, the number of individuals involved and their areas of expertise – pensions, welfare or advocacy. Significant annual variations in the amounts granted under the various expenditure headings causes great difficulty for the recipients in balancing their expenditures.

In the same way, annual variations in the expenditure headings and the way that various grant elements are grouped, makes historical comparison extremely difficult for both the department and the recipient, and can also lead to over or under-estimation of requirements when submitting requests for BEST Grants.

A two-year cycle of funding provides more consistency for both recipients and the department. It falls one year short of the three-year electronic equipment replacement cycle and provides better opportunity for planned replacement strategies.

Veteran Centres seem to be convened within areas where there is a proliferation of BEST recipients. These Veterans Centres are primarily a product of Victoria, a State whose demographics of high population within a relatively small geographic area are most suited to this model. There is a strong argument that this model can and should be replicated within regional parts of Australia such as New South Wales, Western Australia and Queensland, while South Australia and Northern Territory might combine to the same effect.

Establishing these centres implies infrastructure costs as the model can only work where there is permanently dedicated floor space. This reinforces the argument for rental assistance and utilities costs to become a valid expenditure under BEST.

The attitude of the ESOs in 2009 is such that there is unity of purpose within quite diverse organisations, and a strong willingness to work together for the common good. This augurs well for the Veteran Centre model as long as it works within a sufficiently large catchment area.

There are significant anomalies within the BEST distribution model, and while Victoria has a far lesser number of veterans than NSW and QLD, the Veteran Centre model attracts a greater proportion of BEST funding than it otherwise should. This is an anomaly which might be reviewed by those with access to better data modelling.

RENT ASSISTANCE AND UTILITIES

Funding should allow for rent assistance when an ESO pays rent for the purpose of operating. The VVAA NSW has a number of Sub-Branches who pay a monthly rental to the RSL Clubs or other commercial organisations for the occupation of the premises from which they operate. A number are very well situated to operate as a Veterans Centres.

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Electricity and other utility costs should be permitted for the same reasons as these costs are an essential element of providing facilities to undertake pension and advocacy work.

PAID ADVOCACY

The dilemma posed by the Dunt Report regarding paid advocates and volunteer pension officers is that it must be carefully managed in order not to cause a drop-off in volunteerism. Volunteers are the life-blood of the ESOs and the whole grants system. If it becomes more attractive for the most competent to undertake paid roles a great deal of experience and expertise will be lost. Worse, the present volunteers may never be replaced by other volunteers.

Paid advocates must come under the control of the ESO by whom they are employed within the guidelines that must be met. Paid advocates must be trained under TIP even if that requires meeting TAFE course criteria recommended by DUNT.

Pension officers should not be paid. They should offer their services to the ESO of their choice, undergo TIP training gain experience and be mentored to achieve a level of proficiency to be selected for a TIP Level 3 and TAC 4 course.

WELFARE OFFICERS

Under no circumstances should welfare officers be paid. In the period from WW1 to the Korean War welfare officers were primarily volunteers belonging to the RSL. In the last 30 years or so, other ESOs have developed and offered this service.

The heart and soul of any ESO is to provide welfare for veterans, ex-service personnel, war widows, war and defence orphans as well as members of families.

The TIP modules define the role and expectations of welfare officers. What often started as a visit to hospitals or the home of a recuperating veterans with a pack of cigarettes and a packet of biscuits has significantly changed.

VVAA NSW sees the main role of welfare officers is to liaise with hospitals to obtain visiting status for veterans, ex-service personnel or ADF members admitted to hospital, in a manner which will not breach the privacy provisions and in some cases the security of patients. It extends to assisting with bereavements and where requested, conducting a veteran-specific part of the funeral service. Welfare officers also visit veterans in their homes to assess the complete needs of the veteran and assist in ensuring that those needs are being met.

It is not the role of ESOs to have pension officers who would carry out the duties of community liaison officer or assessment teams which are provided by the local area health service. It is the role of the welfare officer to know who to contact and follow up with to ensure the needs of the client or family are met.

Welfare Officers should be entitled to reimbursement of out-of-pocket expenses and fuel costs through the BEST grant scheme.

GRANT MONITORING AND ACQUITTAL PROCESSES

VVAA NSW recommends that DVA consider the concept of ESOs submitting pension claims electronically to speed up the submissions process. It would not be too difficult for DVA to marry up the claims submitted by individual ESO's with BEST claims in order to provide the necessary statistical data.

Other Government departments (e.g. Centrelink and ATO), as well as private industry (primarily the banking, finance and insurance sectors) have systems in place to match, cross check and validate electronic transactions.

Such a system would be fair and transparent, doing away with the guestimates which presently masquerade as statistics and which are absolutely unverifiable. It would enable DVA to match grants with outputs in a justifiable manner.

Privacy issues are easily addressed through the use of techniques such as Virtual Private Networks (VPN) and encryption methodologies used by banks and others.

OUTCOMES AND CREDIBILITY OF CLAIMS/APPEARANCES STATISTICS AND ADVOCACY DUTIES

Simplistically, primary claims have one of two outcomes. The claim can be accepted or rejected. If the claim is rejected it will have one of two further outcomes. It can be abandoned or appealed.

In reality however, the department cannot identify the number of hours required to prepare and deliver a primary claim, a VRB or AAT appeal, especially when the final outcome is that the claim or appeal is abandoned by the claimant.

Often the more complex claims and appeals are channelled to those advocates with proven experience, providing potential for a significant bias in preparation.

Claims and appeals are often abandoned by the claimant only after significant preparatory work has been undertaken. These hours are invisible to DVA.

Measurement and allocation of BEST grants solely on the basis of the number of claims or appeals undertaken is clearly inadequate.

VVAA NSW provides the following minimum guidelines in undertaking primary claims and appeals:

- | | |
|--|-----------|
| • Primary claim (up to three conditions) | 2 hrs |
| • 45 minute VRB hearing (up to three conditions) | 10 hrs |
| • Complex VRB hearing (up to three conditions) | 15 hrs |
| • AAT | 20-24 hrs |

The main point is that the hours are the same whether the primary claim or appeals proceed or not. The question then arises as to how this can be auditable and measurable.

The answer lies in the technology and software made available by the department. VPad software does not meet the needs of recording client data, measuring outcomes or conforming to an electronic reporting format that is demanded by the department.

The fast development of sophisticated software to meet ESO and DVA expectations and the auditing requirements should be a very high priority.

It is incorrect to conclude that claims and appeals are becoming more and more complex. Deledio is the primary guide for VEA and can also be used as the yard stick for SCRA and MRCA. There is some difficulty where the advocate is required to carry out a legal search to maintain the applicable legal principles.

VVAA NSW notes with great disappointment that the VRB is only printing one “Verbosity” per year and one on the web. This document was of critical importance to keeping advocates fully informed.

RECOMMENDATIONS FOR GRANT FUNDING

The NSW Branch recommends that:

1. BEST and Grant In Aid be separated;
2. BEST funding grants be made for a period of 2 years;
3. reporting and objective performance management is carried out each 6 months;
4. audit reporting be on an annual basis;
5. BEST funding be reviewed again after 5 years;
6. DVA develop, as a matter of urgency, claims submission and management software which better meets the reporting and accountability requirements of all participants;
7. DVA team with ESOs to facilitate the formation of Veteran Centres in regional areas outside Victoria;
8. DVA establish better consistency between BEST grants and veteran demographics with emphasis on the cost-effectiveness of smaller grants;
9. rental assistance and utility costs be made valid BEST expenditures where this can be justified;
10. expenditure headings for BEST remain consistent;
11. paid advocates be qualified through TIP, be managed by the ESO for whom they work and their work be limited solely to paid advocacy;
12. pensions and welfare officers are maintained as volunteer positions but are to be paid out-of-pocket and travel expenses through BEST; and
13. an ESO/DVA BEST management committee be established to monitor the changing needs of the recipient community.

CONCLUSION

It is imperative that BEST funding be continued for at least another five years before it is reviewed again. The demographics of the veteran community are changing both as a result of aging and of an influx of younger multiple-tour veterans of both sexes, while the needs of veterans are evolving for the same reasons.

The focus must be placed on the younger veterans who are not involving themselves in great numbers with the management of ESOs but are often clients of ESOs formed for earlier conflicts. History does show that as they get older these veterans will involve themselves in the activities of the ESO of their choosing.

While it does not cover all the issues, VVAA NSW believes it has addressed the essential issues within the Grant system.

Our main point is that the control of training should be under the control of the ESO community in co-operation with the department. BEST funding should be continued within a disciplined framework with the main emphasis on ESO volunteers. Paid employees should be closely monitored reviewed and not used to supplement the income of younger veterans

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who are receiving 100% of the General Rate and then being employed as advocates. This causes great discontentment within the veteran community.

Through the BEST and other Grants the ex-service community does save the department significant public funds.