



Royal Commission Melbourne Hearing Block - 30 August 2023 [Day 3]

RSL References:

Positive:

I have had the opportunity to have an ongoing relationship with a large sub-Branch in my electorate for many years. There are many people who are able to assist veterans navigate the claims and pensions they are rightly entitled to. They are difficult to navigate and the support is able to assist them with transition.

RSL helps run the services offered by the Hubs in Wodonga and Geelong. They assist in providing advocacy, and navigate complex legislation for veterans to help them receive entitlements and pensions.

RSL Victoria provides a referral and advice service from accommodation, to emergency food, bills, claim advocacy – the call centre is adequately equipped to respond. It was responding to a gap in having a place where veterans can go to seek direct assistance, with referral pathways.

Negative:

Nil

General Notes:

- Veteran landscape and data gaps in Victoria
- State and Commonwealth relationship regarding veterans
- Recommendations on improvements for veterans
- Initiatives introduced by Victoria for veterans
- RSL receives funding by Victoria, but not specific for Hub operations
-

Timeline:

8:31am – Session Commenced
8:33am – Premier sworn in
9:57am – Short adjournment
10:21am – Executive sworn in
11:20am – Short adjournment
11:50am – Witnesses affirmed
12:49pm – Lunch adjournment
1:45pm – Panel continued
2:13pm – Objection by Commonwealth
3:59pm – Excused from Summons, Adjourned until 9:00am, 31 August 2023

Witness List:

Witnesses	Witness	Description
8:30-9:30am	The Hon. Daniel Andrews MP <i>Premier of Victoria</i>	
9:30-9:45am	Short Adjournment	
9:45-11:15am	Anthony Plummer <i>Executive Director, Grants, Veterans, and Youth, Victorian Department of Families, Fairness and Housing</i>	
11:15-11:30am	Short Adjournment	
11:30am-12:30pm	Colonel Gerrie Page <i>Direct Career Management Support</i> Lieutenant Colonel Peter Francis <i>Deputy Director S01 Separations</i>	Commonwealth Witness
12:30-1:30pm	Lunch Adjournment	
1:30-3:30pm	Panel Continued	

8:30-9:30am: The Hon. Daniel Andrews MP, Premier of Victoria

Evidence Tendered	
Type	Body / Comment
Verbal	The current state of the discussions with the Commonwealth may be barriered by privacy frameworks. We are working with the Commonwealth to see how to safely and securely hold veterans data – it may need to be treated differently, but the Card will work.
Verbal	We had a big transition from our automotive industry many years ago. However, those skills may have not been recognised formally, but was recognised in-the-gate. It isn't quite as acute, but there is a need to better align that, there's national consistency, that certain roles and skills are recognised, seamlessly as possible. It just makes sense, but Victoria is looking at public-sector engagement through working on infrastructure projects, or best possible private-sector matching. They should be able to take their skills, their ticket, around their country, because they've served their country.
DVA.0034.0001.0007 National Federation Reform Council	The NRC Veterans' Wellbeing Taskforce consist of Commonwealth, State and Territory leaders with responsibility to work together to improve veterans outcomes and progress of initiatives.
Statement	The Taskforce meetings are meant to allow jurisdictions to share progress on programs and initiatives delivered to support veterans in their jurisdiction. The Taskforce is a way for Ministers to meet and discuss issues directly affecting veterans.
Verbal	The Commonwealth needs to establish a Commonwealth Veteran Plan.
Verbal	The relationship between the State and Commonwealth sees National Cabinet meeting through Ministerial and Heads of Departments attending meetings, to discuss issues. There needs to be a common approach to veterans issues. The establishment of a National Plan could assist further in resolving these veterans issues.
Statement	Recommendations by Victoria: <i>Overarching National Veterans' Strategy – the Commonwealth should lead the creation of a national veterans' strategy that articulates how the Commonwealth can engage state and territories to deliver services. This could include a national 'handover' framework providing connections between federal, state and territory departments including access to Department of Defence personnel information.</i>
Statement	Recommendations by Victoria: <i>National Cabinet should monitor the implementation of this Royal Commission's recommendations and provide a forum for a report on updates on veterans' policy initiatives (including against any national veterans' strategy) at least once per year.</i>
Statement	Recommendations by Victoria: <i>Commonwealth to expand its non-liability healthcare scheme – veterans' healthcare cover should be expanded so healthcare for any condition is provided on a non-liability basis, for all current and former defence force members, both full-time and part-time.</i>
Statement	Recommendations by Victoria: <i>Better transition supports from Defence/DVA – transition support provided to veterans should be equitable, and of a high quality, irrespective of rank. Transition teams should give high quality information to veterans as to available income supports (e.g. Veteran Payment), medical entitlements, concessions, retraining pathways, local ESO contact details (and their services), and employment opportunities. Specific attention should be paid to ensure veterans undergoing medical transition are given high quality information about their entitlements, for example in the case of the Invalidity Benefit. Transition teams should have responsibility for, and be held accountable for, providing these services.</i>
Statement	Recommendations by Victoria: <i>Department of Veterans' Affairs and Department of Defence to share with each state and territory on a regular basis (e.g quarterly) the names of members leaving the force and their contact information. The data should also include information about veterans' skills history to enable veterans to be better connected with employment or further training opportunities. This should be an opt-in/out process by defence members to enable state and territory governments to reach out at the earliest opportunity to engage with transitioning veterans and connect them with relevant local services.</i>
Verbal	This used to be a Commonwealth responsibility – we entered this space. A National Strategy would be more efficient, more effective, streamlined in ensuring that everything works together and allows consistent care and support from State, Territory and Commonwealth governments. We (Victoria) wants to make efforts with the Commonwealth to ensure that veterans get what they need.

Questions		
Party	Question	Comments
Leonid Sheptooha	Can you please explain the expansion of non-liability healthcare as a recommendation made by Victoria?	Expanding non-liability healthcare would greatly assist in the improvement of health outcomes for veterans. Believing them from the get-go would assist them to transition, increase participation and prevent issues caused by the process of dealing with government bodies.

Leonid Sheptooha	Is there any way Commonwealth and State collaboration can be improved to provide better outcomes for veterans?	<p>There's some lower-order, cheap, and relatively uncontroversial things that can be introduced we probably have not looked at. It is an opportunity for state and federal bodies to work together to implement any recommendations to better support veterans.</p> <p>This needs to be on the National Cabinet agenda, First Ministers and their Secretaries, need to be accountable for certain things to progress them further and faster.</p>
Commissioner Brown	With the Victoria Veterans Card, where is that in its progress?	Mr. Plummer can provide an update on that.
Commissioner Brown	Can you provide links between the Victorian government offices, and the Victoria Veterans Council, Veterans Victoria, do they have links with the DVA?	Yes, Victoria, in my experience has a very important and well-founded relationship with DVA through officials in the relevant offices. We need to improve on data-sharing.
Commissioner Brown	The US Department shares personnel information, with consent, to States, allowing for concessions, and local counties and councils, do you support that system? The US has 80% engagement post-discharge or separation.	Yes, if we could adopt a system like that, that would be fantastic. If it's opt-in with consent, it will allow us to do more, and do better.
Commissioner Brown	How do you build trust with veterans, many seem to come away from service with distrust?	Trust and relationship-building needs to be done through personal connections. The relatively small numbers means that we can incorporate it into existing Departments. Basic information such as name, contact number and address, would be the bare-minimum information required, with veterans then invited to provide further information. We need to make the effort to go to them, respect their privacy and understand the potential distrust formed.
Commissioner Douglas	Existing bodies should be capable of implementing recommendations, do you have any views on implementing bodies on shared responsibilities across a variety of Commonwealth departments?	It is a simple thing, it needs to be efficient as possible. Implementation monitors need to hold us to account, internally and publicly, with progress being monitored also by Parliament. Culture needs to change and improve accountability to ensure things keep moving. Nothing is ever gathering dust.
Commissioner Kaldas	What's your advice about changing this – taking charge and giving results?	An enduring statutory body that has responsibility for monitoring each and every recommendation that is implemented. That body needs to enquiring and truly monitoring the dynamic, changing circumstances, the nature of contemporary challenges – an ongoing thing, an enduring thing. Amendments may be required to ensure its efficiency, but it is a big start to ensure there is a formal, enduring oversight where appointments are made for a fixed term, with a clear function to perform, then there needs to be more actions progressed, structured appropriately, with a standing place for veterans and their families come and be updated. It would be a profound investment.

10:20am – 12:20pm - Anthony Plummer:

1. Matters regarding coordination of state and commonwealth agencies with veterans issues
2. Veterans issues in Victoria
3. Funding and grants to ESOs

Opinion Tendered

Type	Body / Comment
Verbal	The Victorian Veterans portfolio has 1/3 employees who are ex-service personnel, including the Director.
Verbal	There is a need for a coordinated response, and keeping in time with reports. These things are complicated, with many of these issues, requiring a coordinated and considered appropriate amount of time to ensure they are not hindered by other reforms under way.
Verbal	We want to be able to receive data, organized by LGA, Council boundaries, or specific characteristics to be able to understand the data distribution of veterans across Victoria.
Verbal	There needs to be regular reporting, monitoring and ensuring that there's progress on these initiatives. Review drafts, regular cadence of tracking, of progress, against measures and indicators needs to be introduced to ensure its success.
Verbal	Defence needs to furnish qualifications and ensure there is a universal translation from military qualifications to civilian qualifications to ensure there are adequate employment opportunities post transition.

Questions

Party	Question	Comments
Leonid Sheptooha	Does the state receive advice about suicide and suicidality or reports through AIHW?	Yes, but independent of that, no.
Leonid Sheptooha	Does the State provide funding or research on suicide and suicide behaviours for veterans?	Through the mental health response, yes. A coordinated response for veterans, not that I am aware of.
Leonid Sheptooha	How did the Summit for Veterans come about?	There were 700+ ESOs, and there was an opportunity for collaboration and working together to improve outcomes.
Leonid Sheptooha	Can you explain the ESO landscape in Victoria?	It's a rich and complex landscape; there are professional and larger organisations, and those who have a volunteer base which is quite small. There is often tension between ESOs due to funding and support, private donations, however, that is not only experienced in the ESO landscape.
Leonid Sheptooha	With the Veterans and Families Hubs, were you consulted about the locations in Wodonga and Geelong?	The State government was engaged, however, we need to help shape programs – it is an investment in the veteran sector, and it is incredibly useful for the State to be involved in the design. They aren't bad locations, but other locations should have been considered – Gippsland, and Bendigo. The Hubs themselves are run by the Commonwealth, with the RSL – they provide advice for claims, advocacy, pensions and navigating the system. RSL is running the Hubs, but the State funds RSL but not specifically for the Hubs.
Leonid Sheptooha	Are you collecting data on the success of these Hubs?	No.
Leonid Sheptooha	What are the primary challenges for delivery of services to veterans across Victoria?	It's a range of things: who they are, where they are, what they need, and how to best deliver those services to them. Instead of self-reporting, we need to make ourselves available to ensure that they receive those things they need.
Leonid Sheptooha	Is there a criteria to ensure that veterans receive outcomes from funding to ESOs?	There's ongoing and large eligibility criteria which determines funding support for ESOs – it's quite broad and is a stringent process to ensure they are adequately providing positive outcomes to veterans.
Leonid Sheptooha	Are there audits or monitoring of where these funds are going?	Yes, there's a scale on audits and undertaking reviews based on funding received from the ANZAC Day Proceeds Fund which scales based on intensity where certain funding is provided.
Commissioner Brown	Can you update on the current progress of the Veterans Card?	There is strong engagement of the card – it is eligible to all veterans – there is no categorization like White and Gold Cards.

Commissioner Brown	There's 1,100 veterans in the Victorian Public Service – can you translate that into a percentage of the entire public service?	I'll take that on notice.
Commissioner Douglas	Other States provide similar benefits – at this National Veterans Taskforce – is there a discussion to harmonise benefits and concessions?	Yes, it's been on the agenda from one meeting that I can readily recall – we would like to attract veterans to Victoria – however, we need to harmonise veteran concessions across the country to ensure consistency.
Commissioner Kaldas	Victorian Veterans Family Services, with Legacy Victoria, there was a defunding – can you elaborate on that? This was originally to assist veterans with the Royal Commission.	The funding concluded as part of the budgetary process which occurred in May 2023. - Commissioner Kaldas: please take it on notice, veterans and families thought this to be helpful, and now they don't have that support.
Leonid Sheptooha	Please take notice to find out more information regarding the funding and process for grants to ESOs, charities and the like.	Yes, taken on notice.

- Involuntary Separation, and Suicidality Behaviours

Evidence Tendered	
Type	Body / Comment
Verbal, Lieutenant Colonel	My role is to lead and command the team to ensure there is consistency amongst decision making. We have to ensure there is ongoing training to achieve that consistency. Advice is sought 2from me and my team to allow for that consistency to be maintained, with correct decisions and outcomes. Individuals based off the knowledge of the case in front of them, requiring clarification for certain areas needing guidance.
Section 6(2), Defence Regulation 2016	<p><i>Reasons for something being or not being in the interests of the Defence Force include reasons relating to one or more of the following:</i></p> <ul style="list-style-type: none"> A. Member's performance B. Member's behaviour (criminal or service offences) C. Suitability to serve <ul style="list-style-type: none"> i. In the Defence Force ii. In a particular role or rank CA. A member's failure to meet one or more conditions of the member's enlistment, appointment or promotion D. Workforce planning in the Defence Force E. The effectiveness and efficiency of the Defence Force F. The morale, welfare and discipline of the Defence Force G. The reputation and community standing of the Defence Force
Section 24(1), Defence Regulation 2016	<p><i>The Chief of the Defence Force may terminate the service of a member for one or more of the following reasons:</i></p> <ul style="list-style-type: none"> a. <i>The member is medically unfit for service in the Defence Force</i> b. <i>The member cannot usefully serve because of redundancy in the Defence Force</i> c. <i>Retention of the member's service is not in the interests of the Defence Force</i>
Section 30, Defence Regulation 2017	<p>Notice to Members</p> <p>(1) If a provision of this Part requires notice of an action to be given to a member, the notice must</p> <ul style="list-style-type: none"> a. State that the action is proposed b. Set out the reason for the proposal c. Invite the member to provide a written response as to why the proposed action should not be taken d. Set out the facts and circumstances necessary for the member to prepare the written response e. Specify the period for providing the written response <p>(1) The action must not take place before one of the following occurs</p> <ul style="list-style-type: none"> a. The member provides the written response b. The member states in writing that they do not intend to provide the written response c. The period for providing the written response ends
Verbal, both parties	<p>Face-to-Face discussions regarding termination or potential termination is a responsibility for the Commanding Officer, small administrative teams bring those packages into the system for the delegate where it is centralised, for review, and then the delegate will decide based on the facts presented.</p> <p>Additional information is sought – gambling addiction, substance dependencies, historical tendencies forming behaviour patterns – a Legal Officer will look at things on a case-by-case basis, identifying some procedural fairness concern, then the member will be approached through the CO with an additional procedural fairness minute. We attempt to uphold procedural fairness to all members.</p>
NTSC, ICSN – Notice to Show Cause, Involuntary Cessation of Service Notice	<p>Being issued a Notice to Show Cause or Involuntary Cessation of Service Notice is a stressful, and is not uncommon to feel overwhelmed.</p> <p>Administrative delegates want to understand what lead you to the action the NTSC/ICSN about – don't waste your Statement of Reasons telling us about your career – we can see that in your dossier. It is more relevant to explain how/why the Army will be able to continue to trust you, and to provide statements/corroborations of everything you are saying.</p>
24(1)(C), Verbal	<p>Members of a particular trade, their skills, external pressures are things that are considered before invoking 24(1)(c). Extenuating circumstances are important in determining these enquiries. Causal factors are looked at, and possible causal factors are looked at in ICSNs – it is proposed to be amended ASAP.</p> <p>We are going through a process to go through our templates, our Members' Guide, which has been ongoing for the past two months, finalization has not yet occurred.</p>
DEF.9999.0103.0131 Table 5.1	<p>Total number of members whose service was terminated pursuant to s 24(1)(a) and s (24(1)(c) of the <i>Defence Regulation 2016</i>.</p> <p>631 service personnel terminated pursuant to s 24(1)(c) of the <i>Defence Regulation 2016</i></p>

Verbal	The CO is well-equipped to attempt to understand the individual at a personal-level – their home life, external factors, issues they're dealing with. We are well-removed to limit bias. Policies support <i>Defence Regulations</i> however we look at performance and behaviours which may be rectified without issuing an ICSN.
ADF Transition Manual, Verbal	We acknowledge that transition and ICSNs provide considerable stress, we may seek additional time to find additional information to decide about termination and separation. Twenty-eight days is the gold-standard, with 70-80% of cases resolved in that time frame, however, there may be complex cases presenting anomalies which require additional time sought. The choke-point is not the administrative work, it is the number of delegates, which sometimes requires them [the delegates] to undergo additional training or undertake other roles which inhibit good and timely decision-making.
CMA Observed Areas for Improvement	Failure to provide procedural fairness to the member, or inadvertent 'proximity bias'; 'failure to obtain RELEVANT, RELIABLE and CREDIBLE information specific to the issue; placing significant weight on irrelevant, unreliable, uncorroborated and unsubstantiated information;
Verbal	IGDAF found adverse founding about some of the processes, and made recommendations as to how to improve the review process for potential termination against members. Both members were reinstated on the recommendation of the investigation. The recommendations are at the discretion of the ADF.
DEF.1220.0001.0071 – Page 0077, Mandatory Issue of Involuntary Cessation of Service Notice	

Questions		
Party	Question	Comments
Commissioner Kaldas	How can you be certain that all Members are briefed on the information they have on them?	I think the introduction of a checklist would be very helpful to improve processes.
Gabriella Rubagotti, Counsel Assisting	Might mental health concerns, and wellbeing concerns, be a factor in determining ICSNs?	We put a lot of pressure on our COs in understanding external factors and drawing particular focus on recommendations that may impact the wellbeing and mental health stability of our members. We want our Member's to freely share information with our COs and to have them find the assistance they require before an ICSN.
Gabriella Rubagotti, Counsel Assisting	Do you find that postings may result in causing problems for delegates and for those who require them?	We always attempt to achieve an offset, so they have at least one year experience. We try to make sure our delegates are cared for and remain at one spot for minimum of two years.
Gabriella Rubagotti, Counsel Assisting	Do you have workforce shortages that you need to face?	There's two, and a Warrant Officer who focuses on substance abuse and testing. We have had a Corporal join us and some other staff to assist with administrative work.
Gabriella Rubagotti, Counsel Assisting	If there's an avenue of redress, or appeal, what is it and how does it happen?	Statement of Reasons, Redress of Grievances, provides an opportunity for members to appeal a decision. The delegate will communicate with the CO to look at the redress holistically, and question whether sufficient evidence has been provided to set aside the decision. Yes, that assessment will be made and action(s) will be taken to amend the previous decision.
Gabriella Rubagotti, Counsel Assisting	Do you believe that the fourteen days to raise a Grievance is sufficient? This short time may be a stressor to members, do you agree?	It's legislated, however, I cannot answer on the time frame from a perspective of a member, if it's insufficient and raised by members, then I would accept those comments. I accept that it may be overwhelming to find legal counsel within fourteen days. Dates can be extended but members, their welfare, families, morale of the team they're in, requires very careful handling. We need to also look at the impacts of the team if they're facing operational deployment, or training.
Commissioner Brown	Members who suffer from conditions such as PTSD, may contribute to behaviours such as increased risk-taking, substance dependencies, and lowered standards. How do you pick up on issues such as that?	If the member is considered an S7 at their mental health examination, then they're put up for review and they may receive additional help through that. It is really difficult to determine who needs additional supports because even the medical professionals who are best placed to deal with these concerns, are often under-the-pump themselves.
Commissioner Brown	The risk of suicide increases with involuntary separation. Is that considered, and how?	The decision for involuntary separation is something not taken lightly. We have seen red flags on people, with a separation decision being made, and things lining up to see whether or not they may have a debt when they leave, due to having a bonus. We discuss delaying separations to decrease stress, such as allowing continued employment to ensure there isn't a debt upon termination.

Commissioner Brown	Are more ICSNs coming from certain barracks, certain locations? How is bias mitigated?	Delegates would be able to understand and identify trends like that - it isn't something that we've monitored, or something that has been raised to our attention.
Commissioner Douglas	– those issues listed seem to be somewhat connected to mental health. But, is there consistency with decisions? Precedence?	To a point, but in terms of decision, there is advice and briefings to the delegate to see best contemporary approaches.
Commissioner Douglas	There should be an administrative appeal on the merits available, through the AAT. Merits Review should be available through your organization(s), but a simple and cheap mechanism on the merits, not on the legalities of the decision.	If it could make the system more robust, without causing additional stress to the members, and couldn't cause delays, then I do not see why it is something that could not be introduced. We currently look at procedure, more than merits.
Commissioner Kaldas	How is bias removed? Mitigated?	Where a person is recognised as having a conflict, or potential bias, they must self-identify those concerns and remove themselves from the case.