

Submission: Queensland Veterans' Council Bill 2021

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Introduction

1. In 2014 the then Queensland Government established the Queensland Veterans Advisory Council (QVAC) Terms of Reference Attachment 1. I was appointed chair of QVAC by that government and subsequently by the present government when it came to office in 2015. During 2015 the Council found that a number of veterans' roles were carried out across various government departments. The Council suggested that to achieve efficiencies and for the betterment of the veteran community many of the roles could be created under a single Minister and department. It was suggested that the administration of the following could all be brought together under one statutory body;

- a. The ANZAC Day Commemoration Committee (ADCC);
- b. Anzac Day Act 1995;
- c. Queensland Veterans Advisory Council;
- d. Students ANZAC Prize;
- e. Memorial Grants program;
- f. ANZAC Square legacy;
- g. Defence Liaison;
- h. Veterans' commitments through Various departments (employment) and
- i. Working with the Commonwealth through the then Veterans Ministers Round Table.

2. Understanding that each of these roles has different requirements and some are charities it was envisaged that there would be one supervisory and administrative body and a number of Boards, Trusts or Committees dealing with a particular role. As each of these organisations are different, they require members to have a variety of different skills. A number of these groups have legislation protecting their organisational operation and membership, for example the Anzac Day Trust¹ and the Anzac Day Coordination Committee². In 1916 the then Premier of Queensland Mr. T. J. Ryan, was appointed the first chair of the ADCC. This tradition continues today with the Honourable Annastacia Palaszczuk in the position.³ The proposal to establish a single body was not to establish one where one size fits all and it was not to abolish a century of historical precedence.

¹ Anzac Day Act 1995 (Qld) ss18-20.

² Anzac Day Coordination Committee is a registered charity under the Collections Act 1966 (Qld) s19.

³ Anzac Day Coordination Committee web site and charter.

Anzac Square

3. Opened in 1930 Anzac Square is the State War Memorial of Queensland, a significant public and historical site dedicated to the men and women who have served their country in conflict and in peace since the Boer War. As part of the Queensland Government Anzac Centenary program, a total of \$21.98 million was invested by the Queensland and Commonwealth Governments as well as the Brisbane City Council. These funds were to maintain, restore, protect and respectfully enhance Anzac Square. A combined government committee responsible for the work recommended that on completion, the Queensland government act as trustee and establish permanent committee to oversee the responsibility for Anzac Square. This committee's makeup and focus was to be on Anzac Square not veterans' issues.

The Anzac Day Trust.

4. The Anzac Day Act was established by the Queensland Labor Government under Mr Ted Theodore MP in 1921. The Act promulgated in law a public holiday, workplace restriction for that day and a Trust fund for the welfare of veterans. The Act was quite specific as to the Trust. It was to be administered by four trustees all nominated by the Minister but all from the ex-service community with the trustees being appointed for no more than 3 years. Later Ministers appointed an officer of the Department to administer and be the secretary to the Trust. The legislation has been updated a number of times to comply with other Acts. The process of appointing Trustees has remained the same for over 100 years.⁴ This Bill removes those conditions and Trustees. The Bill removes the intent of the 1921 Act and the trust in the community to administer those funds.

Overview of the Bill

5. The Bill is structured to exclude veterans from having a majority vote when it comes to decision making.⁵ It places on the Minister an unrealistic expectation to make sure that the veteran community voice is heard⁶. It allows a Minister to manipulate the Council membership. With all its good intent this Bill fails the veteran community in a number of ways.

- a. It removes veterans from any of the functions and responsibilities and of having a majority vote on the Council.⁷
- b. It mixes the custodial management of an inanimate object, Anzac Square with the welfare of the veteran community.⁸
- c. It provides no continued funding for Anzac Square or a way to secure that funding.
- d. It removes veterans from the process of providing welfare through the Anzac Day trust.
- e. It places the majority decision with regard to funding in the hands of members who have very little or no knowledge of veterans' needs.
- f. It removed a 100-year-old faith in the veteran community to manage the funds of the Anzac Day Trust.

⁴ Anzac Day Act 1995 (Qld) s20, Anzac Day Act 1921-1981 s6(3).

⁵ Statement of Compatibility, Queensland Veterans' Council Bill 2021.

⁶ Limitation on the membership of the QVC, Statement of Compatibility, Queensland Veterans' Council Bill 2021.

⁷ Queensland Veterans' Council Bill 2021, s13(2)(a).

⁸ Explanatory Notes, Queensland Veterans' Council Bill 2021,

- h. It does not serve the community it was meant to represent.

Queensland Veterans' Council Bill 2021

Section 3 (a)(b)(c). **Issue:** The purposes are not clearly defined. The Bill places its emphasis on bricks and mortar before the welfare of people. It removes the ex-service trustees and their involvement with the Anzac Day Trust. It allows Brisbane City Council and Queensland Government officials to make decisions on veterans' welfare. It creates no funding resource for Anzac Square.

Recommendation: Purposes

- (a) to promote issues of concern to veterans and to advise the Government of Queensland on such issues;
- (b) to place responsibility for the regulation of Anzac Day Trust in the Minister for Veterans;
- (c) to continue the regulation of the Anzac Day Trust in this Act;
- (d) to manage, maintain, preserve and develop Anzac Square as the State's war memorial and
- (e) to create a fund to provide resources for ongoing curatorial administration of ANZAC Square.

Section 9(b)(c)(d)(e), Issue: The roles seem to be more about managing Anzac Square on a daily basis. This is not something that should be at Council level. The Council should be involved with creating a fund or direction for the use of funds for Anzac Square. Its main role will be in the decision making for veteran welfare and liaison with federal departments.

Recommendations: To establish the Anzac Square Board for the curatorial responsibility for Anzac Square and Shrine. Approve and audit funds of the Board. This is the Board where the Brisbane City Council representative should be not on the QVC.

Section 10, **Issues:** What fund apart from the Anzac Day Trust is part of this Bill? Where does this Bill get it funding?

Recommendations: Needs to be clear what the Bill is referring to when it comes to funds. Are they Funds provided by government or budget funds?

Section 10, **Issues:** Administrating the fund is not as simple as it looks. Each request for funds through the Trust at present is scrutinised by 4 members of the ex-service community. Because of the composition of QVC, it will place veterans' welfare in the hands of people who have little or no knowledge of the welfare needs of that community.

Recommendation: Allow the trust to be administrated and distributed by the Trustees as per the Anzac Day Act 1995. The Council could have oversight and work with the Trustees on issues that may arise from time to time.

Section 10, Line 29,

Issue: I cannot find 8A in the 1995 Act.

Section 12 Lines 21-23, Issues: What fund is this? The Anzac Day Trust or a new Fund.

Recommendations: Keep Council funds separate from Anzac Day Trust funds. Should there not be a line recommendation an avenue of funds for the QVC?

Section 13 (1) (a), Issues: Why is there a need for a Public servant to be on the Council?

Recommendation: The Public servant (PS) should be part of the Executive Team and Council Secretary not the Council proper. Like most other Boards in Queensland. The PS should be there to provide advice on a range of matters to the Council but not influence the outcome by voting. There will be a great deal of reliance on this person to provide the Council with the corporate governance and other perspectives but not on veterans' issues. When appointed to a Government Board in an official capacity, the public service employee should be aware of the government's policy imperatives and should not present a personal opinion or position that is contrary to either the Minister's directives or the government's policy agenda.

The duties imposed on directors under Common Law and the Corporations Act require a director to act honestly and in the interests of the company as a whole rather than to the benefit of sectional or third-party interests. While the public service employee's role might be to represent the government at Government Board meetings, it would be contrary to the legal duties of a director to act, or cause the Government Board to act, contrary to the interests of the corporate entity.

Section 13 (1) (b), Issues: The Brisbane City council (BCC) representative could vote on issues that they will not have an understanding of.

Recommendations: The BCC representative should be on the Anzac Square Board as this is where BCC interests lie not with veterans' issues. Remove the BCC member and replace with an ex-service community member.

Section 13(2) Line 11, Issue: There is no guarantee that the Minister will Appoint 2 members from the veteran's community as the legislation states 'May appoint'. The composition of the Council should have at least more than 50% veterans.

Recommendation: If this is truly to be a Veterans' council a good balance would be 1 member nominated from RSL Queensland and 1 from Legacy Queensland with 4 other members appointed by the Minister. All 6 must be Veterans not paid employees of the Ex-service organisation and the Chairperson and the Deputy Chairperson are to be veterans.

Section 13(3), **Issues:** Most of the qualifications listed below are not needed for members of the Council. The qualification not there is that the Members should be a veteran.

Recommendations: Expert advice from these fields should be requested by the Council prior to any decision making. I would argue the most qualified person to provide corporate governance would be the CEO Office of veterans or Council secretary.

Section 14(a)(b), **Issue:** Unlike in 1921 there now over 3,000 organisations providing services to the veteran community. At present there are at least 12 major organisations all having different objectives. e.g.: the RSL mainly provides service to those who have served. Legacy only provides service to the next of kin of those who served. At present the War Widows organisation which has a very narrow function and objective is the largest DVA Supportive group.

Depending on which organisation the Minister selects to be Council members could make a difference to the decision-making process. A holistic not a narrow approach is needed for Council decisions and in this way the community is supported overall.

Recommendation: Membership should be advertised and the members subject to a recruitment process.

Section 18 (1), **Issue:** The Chair could be any of the six non-veterans.

Recommendation: Appoint an independent chair that must be a veteran.

Section 19,20, **Issue.** There is no way to remove a member that been appointed under s13(2)(a), 14, if that member ceases to be a member of the nominated ex-service organisation.

Recommendation: Include, Section 19(d). A person stops being a member of the Council if the veterans' organisation that nominated the person gives the Minister a notice stating the person no longer represents that organisation.

Division 6, **Issue:** There is no point for this reference group if veterans had more representation on the Council. Section 11 (1) (c) provides the Council the ability to make sure they consult with the community before giving the Minister advice.

Recommendation: Place move veterans on the Council and do away with this reference group.

Part 7, **Issues:** This section mixes Anzac Square with the Anzac Day trust. **Section 53.**

Section 54, **Issue:** To what does this refer, the Land or the Anzac Day Trust?

Section 55, **Issue:** Removal funds from a Trust fund to a general fund. Removal of the Trustees of the Anzac Day Trust who were representatives of the Veteran community by replacing them with public servants and others who are not conversant with current veterans' issues.

Recommendations: Allow the Anzac Day Trust to continue with its trustees under supervision of the Council.

Section 63, **Issue:** Does this have to be in the legislation?

ATTACHMENT 1

Queensland Veterans' Advisory Council

Terms of Reference

1. Purposes

The purposes of the Veterans' Advisory Council are to:

- a. Provide a forum for the Queensland veterans' community to communicate directly with the highest levels of the Queensland Government;
- b. Monitor and provide advice to the Government on matters relating to veterans; and
- c. Promote the wellbeing of veterans in Queensland.

2. Establishment

The Veterans' Advisory Council is established as a non- statutory advisory body by the Minister Assisting the Premier on Veterans' Affairs with the approval of the Premier.

3. Membership of the Veterans' Advisory Council

- a. The Veterans' Advisory Council will comprise a Chair and up to 11 other members, all drawn from Queensland's veteran community, nominated by the responsible Minister and approved by the Premier.
- b. The "Queensland veterans' community" is taken to be veterans living in Queensland, representatives of Queensland veterans' associations and associated ex-service organisations as well as people with a direct link to or interest in veterans' issues.

c. In choosing membership for the Veterans' Advisory Council, the responsible Minister will have regard for individuals' broad range of knowledge, skills, qualifications and experience relevant to the veteran community.

d. A member of the Veterans' Advisory Council will be appointed for a term of two years and may be reappointed.

e. The responsible Minister may remove an appointed member from the Veterans' Advisory Council.

4. Veterans' Advisory Council Meetings

a. The Veterans' Advisory Council will meet twice a year.

b. Additional Council meetings may be scheduled at the discretion of the Chair.

c. If the Chair is unable to attend a Council meeting, the meeting is to be chaired by a person nominated by the Chair.

d. The quorum for a Council meeting is half the total membership plus one.

e. Minutes are to be recorded at all Council meetings.

f. Interested parties may by invitation of the Chair attend a meeting of the Veterans' Advisory Council as observers.

5. Secretariat for the Veterans' Advisory Council

The Queensland Department of the Premier and the Cabinet is the secretariat for the Veterans' Advisory Council.

6. Other

a. The Chair of the Veterans' Advisory Council is to provide the Council's advice to the responsible Minister in writing, but may additionally provide timely advice on specific emergent issues concerning veterans communicating directly with the responsible Minister.

b. It is expected that the Veterans' Advisory Council will consult with other veterans' organisations as necessary for its purposes as expressed in these Terms of Reference.

c. Members of the Veterans' Advisory Council are not precluded from representing their individual ex-service organisation/s on particular issues outside of the Veterans' Advisory Council.

7. Allowances and Expenses

Out of pocket expenses associated with attendance at Council meetings will be paid to members of the Council.

8. Review Date

- a. The Veterans' Advisory Council has a review date of 30 June 2015.
- b. The Minister, with the Premier's approval, may dissolve the Veterans' Advisory Council by notice in writing to members.