



SUBMISSION

Queensland Veterans' Council Bill 2021



RSL
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RSL QUEENSLAND SUBMISSION – QLD VETERANS' COUNCIL BILL 2021

To

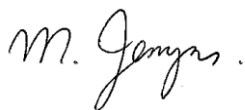
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RSL Queensland welcomes the actions by the Queensland State Government to establish the Queensland Veterans Council, a statutory body that will modernise the legislative framework for veterans' matters, provide a modern governance framework for the development and maintenance of Anzac Square, formalise the responsibilities of the Anzac Day Trust Fund and monitor and report on general matters affecting veterans.

RSL Queensland notes the stated Policy objectives of this Bill and the reasons for them.

'The objective of the Bill is to establish the Queensland Veterans' Council (QVC) as a statutory body. The QVC will have three areas of responsibility:

- *trustee of Anzac Square under the Land Act 1994 (Land Act) and the ongoing management and operation of Anzac Square.*
- *the functions of the Board of Trustees under the Anzac Day Act 1995 (AD Act); and*
- *providing advice to government on veterans' matters.¹*

Anzac Square is the State's war memorial. It is on Crown land reserved under the Land Act 1994 with the Brisbane City Council as trustee and is listed on the Queensland Heritage Register. The Bill provides a new governance arrangement for Anzac Square modelled on the approach adopted in Victoria and New South Wales whereby a statutory body has responsibility for the management of the equivalent State war memorial.

The Bill provides a new governance arrangement for the Anzac Day Trust Fund (Trust Fund), by abolishing the existing Board of Trustees (Trustees) and transferring responsibility for the Trust Fund to the QVC.

The QVC will also: monitor and advise the Minister on issues affecting Queensland's veterans' community; investigate and report on any aspect of veterans' matters referred to it by the Minister; and consult with the Queensland veterans' community when developing advice for the Minister.

To support the QVC in the performance of its advisory function, the Bill also formalises the role of QVAC. QVAC is a ministerial advisory committee established to provide a forum for the Queensland veterans' community to communicate directly with the Queensland Government and provide advice on veterans' matters. Under the Bill, the functions of QVAC will transition to the Veterans' Reference Group (Reference Group). The Reference Group will have the responsibility for assisting the QVC in the performance of its functions relating to providing advice to government on veterans' matters and supporting consultation with the Queensland veterans' community²

¹ Queensland Veterans Council Bill 2021 Explanatory Notes page 1

² Queensland Veterans Council Bill 2021 Statement of Compatibility



Comment on the Queensland Veterans' Council Bill 2021

Part 1 – Preliminary and Division 2 Functions and Powers

Reference -

- (a) **Part 1 Section 3(a).** *to manage, maintain, preserve and develop Anzac Square as the State's war memorial.*
- (b) *Clause 9 (a) to (e)*

Clarification is requested regarding the budget allocation and funding arrangements that will enable the Council to deliver on this purpose, with the following questions arising;

- Whether the approval and funding process should be included in this Bill? Existing pieces of legislation identified in this Bill, namely, the *Financial Accountability Act 2009* and the *Statutory Bodies Financial Arrangements Act 1982* do not appear to deal with budget availability for any agreed development/maintenance.
- Will the Brisbane City Council and the Queensland State Govt. share budget responsibility for general maintenance and, if so, is there legislative provision to facilitate joint funding arrangements?
- Will any of the funding required to meet this purpose (Clause 3(2)) be sourced from the Anzac Day Trust Fund (the Fund)?

RSL Queensland commends the future strategic direction that covers *'the operation of the State's war memorial, particularly to the extent that the memorial galleries educate and inform visitors about the service and sacrifice of Queenslanders and Australians in war, peacemaking and peacekeeping'*.

It is noted that *'The cost of maintaining the Anzac Square parklands is currently met by BCC. With the establishment of the QVC, these costs will be met by the State Government through existing funding noted above'*³

The previous paragraph ⁴deals with funds committed to this project (\$2.7m over five years and \$2.4m per annum) to establish the Office for Veterans and provide ongoing curation and oversight of Anzac Square. It is not clear what this means in terms of ongoing funding and leaves open the question of with whom the responsibility lies for day-to-day maintenance of the site (mowing, rubbish etc.). Clarification is sought as to who is responsible for these tasks and the process to budget for, and deliver necessary routine maintenance?

Clarification is also sought regarding the process for seeking additional funding for singular projects – for example if there is any major development of the Anzac Square memorial?

Division 3 – Membership

RSL Queensland notes the proposed membership structure identified in the Bill (copied below) and raises its concern at the very limited involvement of veterans in this proposed, veteran related, legislation.

³ Queensland Veterans Council Bill 2021 Explanatory Notes page 4

⁴ Queensland Veterans Council Bill 2021 Explanatory Notes page 4



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The Bill states.

Clause 13

'Membership of council

- (1) *The council consists of the following members—*
- (a) *the chief executive or an employee of the department nominated by the chief executive;*
 - (b) *the chief executive officer of Brisbane City Council or a council employee nominated by the chief executive officer;*
 - (c) *not more than 6 other members (each an appointed member) appointed by the Governor in Council.*
- (2) *The appointed members may include—*
- (a) *not more than 2 persons nominated by a veterans' organisation under section 14; and*
 - (b) *not more than 4 persons nominated by the Minister.*
- (3) *For subsection (2)(b), the Minister must be satisfied that the persons have qualifications or experience in at least 1 of the following areas—*
- (a) *corporate governance;*
 - (b) *business or financial management;*
 - (c) *heritage conservation;*
 - (d) *another area the Minister considers relevant or necessary to support the council in performing its functions.'*

RSL Queensland proposes the following:

Membership of council

- (1) *The council consists of the following members—*
- (a) *the chief executive or an employee of the department nominated by the chief executive;*
 - (b) *the chief executive officer of Brisbane City Council or a council employee nominated by the chief executive officer;*
 - (c) *not more than 6 other members (each an appointed member) appointed by the Governor in Council.*
- (2) **The appointed members may include.**
- (a) **not more than 3 persons nominated by Veterans Organisations under clause 14**
 - (b) **not more than 2 persons who have been full time members of the ADF, who are (or have been) involved in civilian employment and who have the relevant skills and qualifications, as required by the Council (Clause 13(3))**
 - (c) **not more than 2 persons nominated by the Minister**



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This amendment would ensure a greater involvement by veterans. The inclusion of 2(b) and will also encourage those appropriately qualified veterans who have transitioned from the ADF and who have professional roles in civilian employment to be involved in these important Govt. and community focussed roles.

It is noted that there is no stated requirement in Division 3 to have a mixture of qualifications and skills across the membership. For example – there could be 4 members who have Corporate Governance skills and no members with the other specified, required skills. It is submitted that the wording be amended to ensure that;

The Minister must be satisfied that the persons have qualifications or experience in at least 1 of the following areas and that the council will be comprised of persons that have skills across the range of qualifications or experience identified in clause 13(3) (a) to (d)

Clause 14

RSL Qld notes Clause 14 and supports the Minister giving notice to veterans' organisations that they may nominate a person for appointment to the Council. This has been clarified in the Statement of Compatibility that the '*Minister will have the discretion to nominate which veterans' organisations may nominate a person*'

To ensure the best candidates are selected for the roles, the process for filling the positions for 'nominated persons of a veterans organisation' (Clause 14) needs to be broadened.

To that end, it is submitted that these positions should be advertised through the major ESOs who may nominate up to 3 candidates, with all nominees subject to an impartial recruitment process. This would provide reportable outcomes and ensure that the selected candidates had the necessary skills for the role.

Likewise, the proposed two positions for former members of the ADF (2(b) above) should be advertised and filled via an equally formal recruitment process.

Clause 18 – Chairperson

RSL Queensland notes Clause 18(1) where – '*The Governor in Council may appoint an appointed member recommended by the Minister to be the chairperson of the Council*'

It is submitted that the person appointed to be the chairperson should be a suitably qualified person who has been appointed under the proposed clauses 13(2)(a) to (c). That is, the chairperson should be a person with a military background.

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Division 5**Council Meetings**

RSL Queensland is pleased to note that administrative support will be provided to the Council⁵. However, clarification is sought as to whether this support will be provided by full time employees as ongoing points of contact and providers of administrative services.

Considering '*the size and complexity of its (the QVC) operations*', it is the view of RSL Queensland that the membership of the QVC require staff who are available on a full-time basis to provide responsive support. It is important that these staff members have the skills and experience to understand and deal with routine day-to-day issues that may arise (as identified in Clause 39). This administrative support should also be made available to provide secretariat and other administrative assistance to the Veterans Reference Group.

Division 6**Veterans Reference Group (VRG)**

RSL Queensland supports the establishment of a Veterans Reference Group and notes and agrees with the role description at Clause 35.

In keeping with the RSL Queensland proposal (2(a) suggestion on page 4, we propose that the **three** members appointed under 13(2)(a) should be included in the VRG.

It is then proposed that 36(2)(b) should read;

not more than 7 other members of the veterans' community having knowledge of, or skills and experience in, 1 or more of the following -

In relation to the membership of the QVC, RSL Queensland proposes that the major veterans' organisations (ESOs) should be invited to provide nominations with a selection process to follow thus ensuring that selected members have the collective skills identified in Clause 36(2)(b)(i) to viii). This will ensure;

- (a) There is a transparent process where many ESOs could put forward nominations for consideration.
- (b) The membership could be structured to ensure the Group has the range of knowledge and experience necessary for the role.

Part 7**Transitional Provisions for the Queensland Veterans Council Act 2021**

This Part is unclear as regards the administration of the Anzac Day Trust Fund (Trust Fund) by the Anzac Day Trust under the provisions of the *Anzac Day Act 1995*.

RSL Queensland observation is that Clauses 53, 54 and 55 appear to confuse any relationship between the Anzac Square Reserve and the Anzac Day Trust Fund.

⁵ Qld Veterans' Council Bill 2021 Clause 39

It is submitted that these clauses be redrafted such that Clause 55 (The Fund) should clearly reference the Anzac Day Trust Fund, the Anzac Day Trust and its reference to the *Anzac Day Act 1995* provisions via Clause 10 – Administration of the Fund.