



## Background

the Defence and Veterans' Legal Service (DAVLS) was established in Nov 2021 using temporary funding associated with the Royal Commission into Defence and Veteran Suicide. This funding will cease on **17 June 2024**.

DAVLS was established to provide advice, information, support, and referrals for people wishing to participate in the Royal Commission into Defence and Veterans Suicide (DVSRC). Our funding from the Commonwealth Attorney General's Department sets our objectives to:

- Provide legal advice, information, and referrals to members of the public engaging with the DVSRC;
- Provide an independent, trauma-informed, culturally safe service;
- Provide an accessible service that is delivered nationally;
- Provide community liaison including information and education sessions; and
- Conduct stakeholder engagement activities.

DAVLS is a national service delivered by a consortium of Legal Aid Commissions (LACs) throughout Australia by National Legal Aid. DAVLS is free, confidential and independent. Our clients value the fact that we are independent of the Royal Commission, the Department of Defence and the Department of Veterans Affairs (DVA).

In NSW, DAVLS sits alongside the Veterans Advocacy Service (VAS). VAS is a well established service within the Government Law Team of the Civil Law Division of Legal Aid NSW. VAS assists veterans to obtain pensions, compensation and entitlements delivered primarily by DVA. VAS is the only service of its type in Australia although other LACs have grants of aid for veterans and dependants to appeal to the AAT. These grants of aid are not subject to any means test, are generally subject to a merit test, and there is no in-house expertise within the other LACs.

From the time DAVLS commenced providing services it was clear that most of our clients outside of NSW had significant difficulties navigating the compensation and entitlements regime delivered by DVA. As such we've brought on 2 x Entitlements Officers to assist with initial advice and referral for clients in all states and territories other than NSW.

## Our Service Model

DAVLS is delivered by a multi-disciplinary team spread across Australia. There is a central coordinating and administration support team in NSW, an intake and information line in Queensland and lawyers in each state and territory.<sup>1</sup>

All staff receive training and support on trauma informed service delivery, managing vicarious trauma and responding to expressions of suicidal ideation.

Legal staff are supported with a suite of internal resources including a DAVLS Solicitor's Handbook, precedent documents and templates, and specialist training.

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<sup>1</sup> Up to 3, usually 2. All states and territories other than NT which is serviced by LANSW.



Our social worker is supported by the Allied Professional Practice Group and our entitlements officers can get back-up advice from the Veterans' Advocacy Service. Both the Allied Professional Practice Group and Veterans' Advocacy Service are within Legal Aid NSW.

Many of our staff have chosen to work with DAVLS because of direct or family experience of service life and we benefit from their understanding of the unique challenges of service life. Most have transferred from other sections in their home LAC and bring a diversity of legal experience in Civil, Family and Criminal law.

Our service provision and outreach priorities are also reviewed by an Expert Advisory Group (**EAG**) of well-connected and active members of the veteran community. This group comprises five women and six men with direct experience of service life and providing services to veterans. The EAG delivers expert advice to improve our services, facilitate feedback and suggestions from the veteran community to DAVLS and to disseminate news and information into the community about DAVLS.

## Stakeholder Engagement

DAVLS has done extensive work with stakeholders over the past 18 months. We have liaised with ESOs and made connections with the ADF including welfare officers, chaplains and Defence Member and Family Services (DMFS). We have attended annual events such as ADF Transition Seminars nationally, Family & Community Days on ADF bases and large-scale ESO events such as annual Veterans and Advocates Seminars. We have developed collaborative partnerships with organisations such as Legacy, RSLs, Soldier On, Mates 4 Mates and Open Arms which has increased trust in our service and resulted in increased referrals.

DAVLS has invested significantly in building relationships and delivering services from the Veterans' and Families' wellbeing hubs. The Australian government has funded veterans' and families' hubs to support the welfare of veterans. These hubs serve as inclusive spaces that provide a range of essential services, resources, and community connections to support veterans and to address the unique challenges they face.

DAVLS solicitors have built strong working relationships with the staff and service providers in with the Hubs in Perth, Wagga Wagga, Darwin, Nowra and Townsville. These have been instrumental in furthering our connections to these regions as well as a point of referral for new clients who wish to discuss their legal issues. Basing our outreach services in a centre in a high veteran population enables stronger client interaction, ongoing case management and acts as an integral point of contact. Several clients have commented on how they only engaged with our services because they were able to meet face-to-face in a safe and familiar space.

DAVLS' presence at the hubs has in turn fostered positive partnerships with local ESOs and defence communities.

DAVLS has successfully branded itself as a go-to provider of quality legal assistance for current and former ADF members. Its investment in communications has greatly increased public awareness – and public trust – in this service.





## Information about our Clients

Our clients are concentrated on the east coast of Australia which aligns with the spread of veterans around Australia.<sup>2</sup> More of our callers are male than female, more are from the Army than from the other services and most callers are older veterans.<sup>3</sup>

Many of our clients present with complex trauma and suffer the mental stress and anguish of unresolved complex problems. Many clients continue to have legal issues they are not able to resolve, including civil, family and crime matters.

## Services to our clients

From November 2021 to 30 June 2023 we have provided 4,744 services to clients. The demand for services has increased over the life of the service. By far the most common ancillary issues for our clients are in veterans' entitlements and compensation. Clear trends have also emerged with other ancillary legal issues and these often relate to family breakdown, family violence, redress for abuse in the ADF, loss of housing, criminal law matters (including traffic and drug offences) and consumer matters.

## Issues to Consider in NLAP Review

DAVLS has a number of key issues of concern. We are keen for these to be at least flagged and possibly addressed in the NLAP review.

### *Ongoing need for veterans legal assistance*

It has been known for some time that there is a market failure of legal services for veterans across the country, particularly in regional areas.

Our clients' experiences highlight the difficulties many veterans have in navigating the entitlements regime, Department of Veterans Affairs (DVA), the community-based advocacy and support services, other areas of the law and civilian agencies generally. We believe robust, independent, and effective advocacy services are necessary to assist military veterans and their families succeed in their transition after service.

The DVSRC's Interim Report addresses this area of veteran frustration, by recommending the Australian Government simplify and harmonise veteran compensation and rehabilitation legislation. The Australian Government has started to simplify and harmonise the legislation. But this does not supplant the need for free, independent legal and advocacy assistance.

DAVLS is concerned that we are currently providing independent, trauma informed legal services delivered by a multidisciplinary team and those services will cease on 17 June 2024.

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<sup>2</sup> We have engaged with members of the veteran community in proportion to what is known about the location of veterans from the 2016 *Ex-Service Organisations Mapping Project Report* Aspen Foundation *ESO Mapping Project Report*, 2016 at <https://www.aspenfoundation.org.au/esomp> See also 2021 Australian Census

<sup>3</sup> 31% female, 68% male, 1% non-binary. Clients currently serving, previously serving, family member or otherwise associate with service in the following way: 65% Army, 20% Navy, 15% Air Force





### *Proposal for a national legal service – refining the Cornall Model*

The need for a national veterans legal service has been known for some time. In December 2018 Robert Cornall AO<sup>4</sup> recommended continuing the current ESO advocacy model along with a Veterans' National Legal Service to be delivered by Legal Aid Commissions (**LACs**) throughout Australia. Aid would be available for any veteran appealing. The Cornall study has the National Veterans Legal Service and Helpline as separate from front line advocacy, which would continue to be performed primarily by the ESO network. This recommendation has not been enacted by government.

DAVLS' experience is that the Cornall model could be further refined, and the scope of legal assistance broadened beyond AAT appeals to include early intervention. There are also advantages of an independent, trauma informed, multidisciplinary team that consults people with lived experience in its design. The potential strengths of a comprehensive national advocacy service based in Legal Aid offices are:

- Independence which is highly valued by our clients;
- Early intervention legal assistance which is more efficient, informs appellate advocacy and resolves the client's problem in a timely way;
- Accountability: we report on our work in accordance with the National Legal Assistance Data Standards Manual;
- All staff are trained in trauma informed service delivery and non-judgemental communications. We also support other organisations through our training initiatives;
- Female-friendly service provision;
- Efficiencies compared to private legal service providers;<sup>5</sup>
- We leverage expertise in our member LACs for advice and assistance with other legal issues. For veterans this regularly includes family law, employment law, human rights torts/discrimination and criminal law. We also leverage off our developed referral networks;
- Collaborative: we work in partnership with private practitioners, community legal centres and the ESO network;
- Capacity Management – Having a pool of staff spread around the country enables a national service to manage capacity across jurisdictions and respond rapidly to changes in demand;
- Single Point of Contact through a national information / referral line will reduce confusion and maximise accessibility. Prospective clients do not need to work out which provider is closest to them; all they need to do is call the information line wherever they are in Australia to receive local assistance;
- Expert legal back-up to community advocates and contribution to training and continuing professional development for the ESO sector; and
- Service guidance through feedback from key stakeholders and our Expert Advisory Group.

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<sup>4</sup> Cornall, R (December 2018) Available online: *Veterans' Advocacy and Support Services Scoping Study*.

<sup>5</sup> See for example PWC (January 2023) *The Benefits of Providing Access to Justice*, prepared for NLA. See also in another context, Poynton, S and Weatherburn, D (January 2019) *The Impact of Private versus Public Representation on Criminal Proceedings*: NSW Bureau of Crime Statistics and Research which found that publicly funded cases assigned to private lawyers are less likely to be dealt with summarily or to be committed for sentence even after controlling for a wide range of defendant and case characteristics. In addition, matters assigned to private lawyers are more likely to result in a late guilty plea.



### *Evaluation of Service*

DAVLS is undertaking an independent evaluation of our service. Some of the key issues that will be considered include:

- the experiences of clients
- how and what services are delivered
- duplication and gaps in services (specifically with VAS and core LAC services)
- the impact of the national service delivery model.

### *Funding Cliff*

DAVLS is advocating for an ongoing national veterans' legal service. DAVLS is making a submission to the DVSRC setting out the systemic legal issues that we have identified and a proposal for how to address these. A copy of the submission is attached. The Chairperson of NLA is due to meet with the Chairperson of the DVSRC on 13 October to further discuss a national veterans legal service.

DAVLS is concerned that even if the DVSRC were to recommend an ongoing national veterans legal service, our funding will cease on 17 June 2024 which is when any recommendation would be received by government.

This is a brief summary of the issues of concern to DAVLS which could be raised in the context of the NLAP review. DAVLS welcomes the opportunity to further discuss and expand on these. If you would like to further discuss any aspect of DAVLS please contact Jasmine Stanton on (02) 9219 5818 or [jasmine.stanton@legalaid.nsw.gov.au](mailto:jasmine.stanton@legalaid.nsw.gov.au)