



# ***COMMUNITY SUPPORT AND SERVICES COMMITTEE***

**Members present:**

Ms CP McMillan MP—Chair (virtual)  
Mr SA Bennett MP (virtual)  
Mr MC Berkman MP  
Mr JM Krause MP (virtual)  
Ms CL Lui MP (virtual)  
Mr RCJ Skelton MP

**Staff present:**

Mr K Holden—Committee Secretary  
Ms C Williams—Committee Support Officer

## **PUBLIC HEARING—INQUIRY INTO THE QUEENSLAND VETERANS' COUNCIL BILL 2021**

### **TRANSCRIPT OF PROCEEDINGS**

**FRIDAY, 30 APRIL 2021**

**Brisbane**

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### **The committee met at 11.14 am.**

**CHAIR:** Good morning. I declare open this public briefing for the Community Support and Services Committee's inquiry into the Queensland Veterans' Council Bill 2021. I respectfully acknowledge the traditional custodians of the lands on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander people, whose lands, winds and waters we all share.

On 22 April 2021, the Queensland Veterans' Council Bill 2021 was referred to this committee for examination, with a reporting date of 11 June 2021. My name is Corrine McMillan, member for Mansfield and chair of the committee. At parliament today are: Michael Berkman MP, member for Maiwar; and Robert Skelton MP, member for Nicklin. We are also joined, via teleconference, by: Stephen Bennett MP, member for Burnett and deputy chair; Jon Krause MP, member for Scenic Rim; and Cynthia Lui MP, member for Cook.

The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. The proceedings are being recorded by Hansard and broadcast live on the parliament's website. Media may be present and will be subject to the chair's direction at all times. The media rules endorsed by the committee are available from committee staff if required. All those present today should note that it is possible you might be filmed or photographed during the proceedings by media and images may also appear on the parliament's website or social media pages. I ask everyone present to turn mobile phones off or to silent mode. Only the committee and invited officers may participate in the proceedings. As parliamentary proceedings under standing orders, any person may be excluded from the hearing at the discretion of the chair or by order of the committee.

The purpose of today is to assist the committee with its examination of the Queensland Veterans' Council Bill. I remind committee members that officers are here to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House. I also ask that responses to questions taken on notice today are provided to the committee by 10 am on Friday, 7 May 2021. The program for today has been published on the committee's webpage and there are hard copies available from committee staff.

**MAGILL, Ms Kirrily, Executive Director, Office for Veterans, Department of the Premier and Cabinet**

**MOLOMBY, Ms Kate, Director, Appointments and Constitutional Services, Department of the Premier and Cabinet**

**MORGAN, Ms Filly, Deputy Director-General, Corporate and Government Services, Department of the Premier and Cabinet**

**CHAIR:** Welcome. I apologise sincerely for not being in the room this morning. I invite you to make an opening statement, after which committee members will have questions for you.

**Ms Morgan:** First, I thank the committee for providing the department with the opportunity to give an overview of the bill today. The bill establishes the Queensland Veterans' Council as a new statutory body with three areas of responsibility: trustee of Anzac Square; the functions of the board of trustees under the Anzac Day Act 1995; and providing advice to government on veterans matters. In the introductory statement I will briefly outline the key aspects of the bill.

Anzac Square is the state's war memorial. It is situated on Crown land reserved under the Land Act 1994. Currently the Brisbane City Council is the trustee of Anzac Square. Between 2014 and 2019, the Queensland government undertook a program of activities to commemorate the Anzac centenary. One of the legacy projects undertaken during this time was the Anzac Square restoration and enhancement project. The project included a major redevelopment of the undercroft to create the Brisbane

Anzac Square Memorial Galleries, which are modern gallery spaces fitted with digital technology that provide a platform for educational and interactive exhibitions. The memorial galleries allow Anzac Square to expand its original purposes to include education.

In both New South Wales and Victoria, a statutory body has responsibility for the state's war memorial. Similarly, under the bill, on commencement the Queensland Veterans' Council will become the trustee of Anzac Square under the Land Act 1994. Clause 9 of the bill outlines the functions that the Queensland Veterans' Council will have in relation to Anzac Square. The council will be responsible for: managing, maintaining, preserving and developing Anzac Square as the state's war memorial; approving and overseeing the staging of ceremonial activities; approving, managing and promoting public programs at Anzac Square to inform, educate and promote understanding of the history, experiences, service and sacrifice of Queenslanders and other Australians in war, conflict, peacekeeping and peacemaking—this function directly relates to the memorial galleries at Anzac Square; and manage and maintain the cultural heritage significance of Anzac Square. To support the maintenance of the heritage significance of Anzac Square, clause 48 requires the Queensland Veterans' Council to prepare and implement a conservation management plan that is to be approved by the Queensland Heritage Council.

Under the bill, the Queensland Veterans' Council will replace the current four-member board of trustees of the Anzac Day Trust Fund. The trust fund is funded predominantly by a grant appropriated from the Queensland government and provides annual payments to institutions, organisations or associations to assist ex-service men and women and their dependants. The bill does not alter the quantum of funding provided by government to the trust fund; nor does it alter the purposes for which payments may be made from the trust fund.

Clause 11 of the bill outlines the council's functions in relation to providing advice to government on veterans matters. The functions include: monitoring matters affecting the veterans community; investigating and reporting on matters referred to it by the minister; consulting with the veterans community when developing advice for the minister; and advising the minister about veterans matters. Clause 11 imposes an obligation on the Queensland Veterans' Council to consult with the veterans community when developing advice for the minister.

To support the council in providing advice to government, clause 34 provides for the establishment of the veterans reference group. The functions of the veterans group include: helping the Queensland Veterans' Council to identify and consult with the veterans community, veterans organisations and other community organisations when preparing advice for the minister; and to help the council to advise the minister about veterans matters.

Clause 13 of the bill provides for the membership of the Queensland Veterans' Council. The membership of the council aims to ensure the council has the necessary skills and expertise to perform its functions. In accordance with clause 14, the council will consist of up to eight members comprising two ex-officio members and six other members appointed by the Governor in Council. Of the six members appointed by the Governor in Council, not more than two persons are to be nominated by a veterans organisation and not more than two persons are to be nominated by the minister, with the qualifications or experience in particular areas to support the Queensland Veterans' Council in performing its functions.

Nomination by a veterans organisation is dealt with in clause 14 of the bill. By providing for nominations from veterans organisations, the bill ensures that veterans will represent a minimum of 25 per cent of the membership of the council. Importantly, there is no limit on the number of veterans that may be appointed to the six positions that are occupied by appointed members, provided they have the necessary skills and expertise to support the Queensland Veterans' Council in the performance of its functions.

Similar to the legislation for other statutory bodies in Queensland, the bill includes provisions to ensure the integrity of the membership and public accountability of the statutory body. The explanatory notes and human rights statement of compatibility provide additional details about the bill. I thank the committee for your time and we would be pleased to take any questions in relation to the bill.

**CHAIR:** Thank you very much.

**Mr BENNETT:** Good morning and welcome to our committee hearing. Are you able to describe the interaction? I note that over a long period of time the contributions to Anzac Square have been by the federal and state governments and the Brisbane City Council. I am just curious about their roles and the consultation in this new council and how it may affect the BCC going forward.

**Ms Morgan:** We did undertake consultation with the Brisbane City Council in relation to the bill—they were provided with a consultation draft of the bill—and they have been involved in discussions around the governance of Anzac Square over a number of years and have been supportive of moving to this model. The federal government did provide a contribution to the restoration of Anzac Square, but we have not consulted with the federal government in relation to this bill in particular.

**Ms Molomby:** That is correct, yes. There is no real role for the Australian government in the QVC. Their role was really around the Anzac centenary commemoration projects and the funding that supported the restoration project.

**Mr BENNETT:** Thank you, but going forward it is not unforeseen that we will be reaching out as maintenance and other issues come forward, and Anzac Square is such a nationally important commemorative process. That is fine. You have answered my question, so I thank you very much for that.

**Mr BERKMAN:** Thanks very much for being here; I appreciate your time. Much of the focus of the bill and the discussion around it has been on the council's proposed functions around Anzac Square. I am very interested in the function of providing advice to the minister about veterans matters. The explanatory notes are pretty clear that the bill provides an opportunity to formalise the functions of the former—I assume it is no longer existing or will not once the bill is passed—Queensland Veterans' Advisory Council. I am really curious about the interaction between the reference group and the council itself, particularly given that the establishment of the reference group is entirely at the minister's discretion under the terms of the bill. Can you go some way to addressing that potential inconsistency—that is, the idea that this fundamental function of the QVAC is supposed to be substituted but we do not have that certainty under the bill that the reference group will even be established to provide that support to the council?

**Ms Molomby:** Are you referring to clause 34(1) of the bill that says 'the minister may establish'?

**Mr BERKMAN:** That is right, yes. In addition to that, the explicit terms of the explanatory notes were that the establishment of the QVC provides the opportunity to formalise the functions of QVAC. I guess I am just looking at some confidence around whether that opportunity will be met. How can we be confident that that function of taking the experience of veterans and advising the minister on those terms will actually be done well?

**Ms Molomby:** The purpose of the veterans reference group is really to support the QVC in providing its advice function, so it is integral really. There is an obligation on the QVC in proposed section 11(1)(c) that they need to consult with the veterans community when they are providing that advice to the ministers. The veterans reference group is one of the mechanisms that will support the QVC in doing that consultation work. In terms of the drafting with 'may', I think that is probably a drafting style. You could say 'must', but it is 'may'. That is, I would suspect, a drafting style to that provision. It is certainly the intention that there would be a reference group and those members will be appointed and will be supporting the QVC.

**Mr BERKMAN:** The bill certainly reads that way. The structure of the different organisations suggests that that is the intention, I suppose.

**Ms Molomby:** There are also two members of the QVC that will sit on the veterans reference group, so there is that link between the two.

**Mr BERKMAN:** Absolutely, yes.

**Ms Molomby:** There is a slight difference in their terms of appointment. The reference group is appointed for two years; the QVC is appointed for four years. That allows the reference group to be a bit more flexible around perhaps what particular focus areas the government is needing particular advice on at a given time.

**Mr BERKMAN:** Okay. To come back to the point about the drafting—the use of 'may' rather than 'must'—I suppose that is clearly a question for the minister in terms of the policy intent of how certain we can be about the formation of the reference group. In terms of making the comparison between the 11 veterans that make up the membership of QVAC previously compared with the two that are guaranteed membership on the council under this proposal, and the kind of expertise that the membership of the reference group is required to have, I suppose that is an issue that is not for you but one that I would suggest warrants very serious consideration about mandating the establishment of that group, but we will take that one to the House. Thanks for your response.

**CHAIR:** Thank you, member for Maiwar, and, yes, you are absolutely right: that is an issue that would be better debated in the House.

**Ms LUI:** Part of the restoration work of Anzac Square included memorial galleries fitted with a digital technology platform. Could you please provide more information about the digital technology platform and how this has been and will be used for educational and interactive exhibitions?

**Ms Morgan:** I might pass to Kirrily to answer that.

**Ms Magill:** In the gallery, the way it is set up, there are three separate areas. There is a First World War crypt, a Second World War room and then a post World War II area or room that features all of the battles and theatres of war that have occurred following the Second World War. Particularly in the Second World War room and the post World War II crypt, there are a range of touch screens where a lot of the content is. Because of the space limitations, a lot of the content cannot be physically present so it has been digitised. For example, medals or artefacts from the Second World War have been photographed in three dimensions. There are lots of stories about families, people involved in the war, people left at home, people on the battlefield and all different commemorations through a number—about a dozen probably—of touch screens in the Second World War section.

In the post World War II galleries there are a range of screens that feature things like vignettes of people who have served in the battle since the Second World War. It is an interactive space. You can type in and search all manner of items. The benefit of being a digital gallery is that it continues to be updated regularly. As someone comes in with more content or provides photos of their granddad who served, that can be included into the content of the galleries. There is benefit not only in terms of storage space but also in terms of ongoing currency in having these as digital exhibitions.

**Ms Morgan:** The State Library of Queensland are the ones managing that for us at present, and managing that space for us.

**Mr KRAUSE:** Thank you for the briefing. Further to the member for Burnett's question about consultation with Brisbane City Council, have they indicated their agreement with the process that has been put forward in the bill?

**Ms Morgan:** Yes, they were provided with a consultation draft of the bill and they have expressed agreement with what is proposed.

**Mr KRAUSE:** In relation to the Veterans' Council, are they going to be honorary positions or will they be paid positions?

**Ms Morgan:** The Veterans' Council members will be remunerated in accordance with the government remuneration procedures for government boards but the veterans reference group will not be.

**Mr KRAUSE:** Do you know approximately how much that remuneration will be for the Veterans' Council?

**Ms Morgan:** We will do an assessment in accordance with the procedures at the time the appointments are proposed for government consideration.

**CHAIR:** Ms Morgan, clause 22 lists the circumstances in which a council member's office becomes vacant, including if the member is removed from office. The bill does not appear to include any provisions for the removal of a member from office. Could you advise if there is a drafting error or whether a member may be removed from office by some other mechanism?

**Ms Morgan:** My understanding is that under the Acts Interpretation Act there is the ability to remove members from office. I will ask Kate to explain that further but, yes, there is a power to remove officers.

**Ms Molomby:** The Acts Interpretation Act provides that if you have the power to make an appointment you also have the power to remove or revoke that appointment.

**Mr SKELTON:** In relation to the digital display and management by the State Library of Queensland, because you have limited space, does the State Library liaise with the Australian War Memorial and photograph their collections and so forth?

**Ms Magill:** Yes, they do. They might apply for some of their content to use in their galleries, for example.

**Mr SKELTON:** For specific displays and events?

**Ms Magill:** Yes.

**Mr BENNETT:** Referring back to the question asked by the member for Scenic Rim in regard to the remuneration of these positions being determined somehow in the future, surely there must be an indication or a bandwidth that the remuneration package would already be reasonably expected to accommodate. We obviously want to attract people with capacity and capability. Could you expand on that for me, please?

**Ms Morgan:** To be honest, we have not got to that point yet. We have not considered what band they would fit in under the remuneration procedures. That is where we are at at the moment. Certainly before the appointments are made and as part of that process, there is consideration given to what level the council fits in in terms of those remuneration procedures. I think those procedures are publicly available. With every appointment to a government body there is consideration given to what level of remuneration fits with that particular body. We have not considered that just yet.

**Mr BENNETT:** That is interesting. I am not being argumentative, but the roles and responsibilities are clearly defined within the explanatory notes to the bill. Thank you for that point of view. Could you elaborate on the overview or the management of the capacity for this entity to be raising funds and providing these functions, events and maintenance into the future, please?

**Ms Morgan:** Would you be able to provide some more information? I am not quite understanding the question.

**Mr BENNETT:** Within the framework of what we are trying to achieve here, this new entity has roles and responsibilities around future maintenance, holding events and functions. I am curious about how that funding will be managed and what oversight will be undertaken of all of that.

**Ms Molomby:** In terms of the funding, the explanatory notes outline that there was Queensland government funding committed as part of the 2019-20 state budget process. In terms of the accountability, as a statutory body the QVC will be required to provide annual reports to parliament, including their financial statements.

**Mr BERKMAN:** At the risk of harping on it, I want to return to the advisory function for the council. Can you outline for the committee the mechanism for the Veterans' Advisory Council to fill that advice role? What kinds of things did they advise on and how and when did that happen?

**Ms Magill:** The committee met formally from time to time. Also, just reaching out to the committee at the moment, you will be aware that the federal government has announced a royal commission into defence and veteran suicide. I am using the Queensland Veterans' Advisory Council to provide a platform or opportunity to consult into the veterans community. The members of the Queensland Veterans' Advisory Council represent some of the major ex-service organisations across the state and are very well connected into their community. Sometimes it is a formal scheduled meeting. Then I use them from time to time as a particular topical area emerges. I imagine in the next week or two we will be undertaking consultation through people in the ex-service community, including members of the Queensland Veterans' Advisory Council, to gather some information to provide comment on the possible terms of reference for that royal commission.

**Mr BERKMAN:** In formalising that role through the council and the reference group, I note that the council itself obviously has remunerated members and administrative support. The reference group will not have that kind of formalised administrative support. I am curious to know by what means the reference group—and it looks like it has a very important role—will be facilitated and supported by either the council or the department. What does that look like in practice?

**Ms Morgan:** I would say that the department will be providing support to that reference group, as currently occurs with the Queensland Veterans' Advisory Council. There is no reason that would not continue. That would be the plan to do that.

**Ms LUI:** I note that the department carried out consultation on the bill, and a list of briefings is provided on page 7 of the explanatory notes. Can you please explain how and why these specific organisations were chosen to receive briefings on the establishment of the council?

**Ms Molomby:** A number of organisations were approached. I do not have the full list. These were the people who nominated to participate. The way that we identified them was to try to get a diverse group of veterans stakeholder groups that included veterans associations and associations that deal with the interests of partners and families of veterans. We also tried to get out to a regional focus. We tried to go as broad as we could, and we also used the current networks that we have through the Queensland Veterans' Advisory Council and some of the former members of the Queensland Advisory Committee for the Commemoration of the Anzac Centenary. There were some veterans on that whom we also sought to make contact with.

**Mr KRAUSE:** I have a question in relation to the composition of the council, and forgive me if this was asked before. Clause 13 provides that it will be two persons appointed by the veterans organisations and no more than four appointed by the minister. I was just wondering how that mix came to be.

**Ms Molomby:** The structure of the Queensland Veterans' Council is around ensuring there is an appropriate governance structure. They have three key areas of responsibility: first, looking after Anzac Square as the heritage asset for the state; second, looking after that Anzac Day Trust Fund; Brisbane

and, third, providing advice. It was around making sure there were appropriate skills and expertise. As a statutory body, they will also have responsibilities for reporting in accordance with the government's framework for accountability for statutory bodies, so they need the appropriate expertise on that. While there are two nominated by the veterans organisation, as Filly mentioned in her opening statement there is no limit on veterans also taking up those other positions. The key thing is around making sure the governance structure is there for the statutory body to have the appropriate skills and expertise.

**CHAIR:** Member for Nicklin, do you have a question?

**Mr SKELTON:** No, I do not a question. I am fine. It is pretty good what I have read. Obviously there are a couple of typos that have been listed. As far as the four-to-two ratio, I can kind of understand that, being ex-defence. We might not necessarily have those skills to deal with the Public Service, but I would and should think—and I know in practice—the government does give a bit of latitude for ex-defence personnel to take on those sorts of positions, so I would hope to see that continue.

**Mr KRAUSE:** I want to ask about clause 19, which is the automatic disqualification clause and the possibility that the minister may override the automatic disqualification of a person from becoming a council member. Are you able to provide an example of other legislation where a minister has such a discretion? Can you also outline in what circumstances it is envisaged the minister may use this discretion?

**Ms Molomby:** This particular provision does appear in other Queensland legislation for statutory bodies, and I can certainly provide the committee with further details on that. There were some other bodies listed in either the explanatory notes or the statement of compatibility. It is the Health and Wellbeing Queensland Act, the Hospital Foundations Act and the university acts in Queensland, such as the University of Queensland Act. They have similar types of provisions.

Having the discretion to take into account a person's prior convictions acknowledges that not all states have a spent conviction regime. There could be a circumstance where someone has committed an offence as a 17-, 18- or 19-year-old and that is still appearing on their record in their 50s, even though they have not otherwise offended and they have served the appropriate time. It allows the minister to take into account the circumstances of that and to consider whether or not they would still be appropriate for appointment.

**Mr KRAUSE:** Are there any other examples?

**Ms Molomby:** What examples are you looking for?

**Mr KRAUSE:** The spent convictions idea is one example of where the discretion might be exercised. Are there any other examples?

**Ms Molomby:** There might be a situation where somebody has been involved in a company that has gone into administration. The reasons and the circumstances around why that company has gone into administration may not be something that they had direct control over, but it might be something that means they are disqualified from managing corporations, so it allows the minister to take into account those sorts of thing as well. In terms of whether it has been used, I would not know whether that has actually been used—whether a minister has taken that into account.

**Mr BENNETT:** I am sorry if my questions about funding were confusing. I want to ask another question around similar issues. I note that there is \$2.7 million over five years from the state government and \$2.4 million per annum for the establishment of the new Office for Veterans and the ongoing oversight of Anzac Square. The day-to-day operational costs, I believe, were borne by the Brisbane City Council and now will be borne by the state government or this Office for Veterans. As an outsider looking in, I would have thought that the ongoing costs would have been significantly more than that with maintenance, setting up for special events et cetera. Is there a more in-depth budget available for the overall expected running costs and financial statements of Anzac Square?

**Ms Morgan:** That is the current budget for the running of the council and Anzac Square, and that takes into consideration the costs that were borne by the Brisbane City Council in maintaining the square. That is included in that budget at the present time.

**Mr BENNETT:** \$2.4 million per annum is what we expect it might have cost. I am not asking you to be definitive because I know that we cannot nut down to the last dollar. It seems to me that it is about \$2.4 million as an annual maintenance cost or running cost of the square, plus the new Office for Veterans.

**Ms Morgan:** Yes, that is correct.

**CHAIR:** There being no further questions, and I do not believe there were any questions taken on notice, that concludes the briefing today. On behalf of the committee I would like to sincerely thank you for your attendance today. I thank our Hansard reporters. A transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I now declare this public briefing closed.

**The committee adjourned at 11.57 am.**