



The Hon Darren Chester MP

Minister for Veterans' Affairs

Minister for Defence Personnel

Minister Assisting the Prime Minister for the Centenary of ANZAC

MS18-000747

Senator Helen Polley
Chair
Senate Scrutiny of Bills Committee
Suite 1.111
Parliament House
CANBERRA ACT 2600

17 SEP 2018

Dear Senator *Helen*

Thank you for the correspondence from your Committee Secretary, dated 13 September 2018, requesting advice about issues identified with the Veterans' Entitlements Amendment Bill 2018 (the Bill).

I am pleased to provide my advice in relation to why it is necessary to retrospectively apply proposed section 53NAA from 1 January 1996 and whether this will adversely affect any persons. While the Bill passed the Senate on 13 September 2018, it is proposed that an Addendum to the Explanatory Memorandum including the requested information from the Committee will be tabled in the Senate on 17 September 2018. A copy of the Addendum to be tabled is enclosed.

Thank you for raising these issues in relation to the Bill with me. I trust that my advice in the enclosed Addendum addresses the Committee's concerns and would be happy to provide any further information the Committee considers useful.

Yours sincerely

DARREN CHESTER

Encl

2016–2017–2018

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

SENATE

VETERANS' ENTITLEMENTS AMENDMENT BILL 2018

ADDENDUM TO THE EXPLANATORY MEMORANDUM

This addendum responds to matters raised by the Senate Standing Committee for the Scrutiny of Bills in its Scrutiny Digest 10 of 2018 on the Veterans' Entitlements Amendment Bill 2018 dated 12 September 2018.

(Circulated by authority of the Minister for Veterans' Affairs,
The Honourable Darren Chester MP)

VETERANS' ENTITLEMENTS AMENDMENT BILL 2018

EXPLANATORY MEMORANDUM

This addendum responds to matters raised by the Senate Standing Committee for the Scrutiny of Bills in its Scrutiny Digest 10 of 2018 on the Veterans' Entitlements Amendment Bill 2018 dated 12 September 2018.

The Committee recommended that the information provided by the Minister to the Committee be included in the Explanatory memorandum.

Notes on Clauses

Item 5 – application provision

Page iv, second line – insert new paragraph after “1 January 1996.”

“This measure does not adversely affect a person. It allows for the streamlining of two separate processes, the recovery of an overpayment arising from the death of the pensioner and the payment of bereavement payment to the surviving partner.

This is a compassionate, sympathetic and unobtrusive response which avoids disturbing the family with additional interactions with the Department of Veterans' Affairs (DVA) while they are grieving.

This approach is also consistent with the method that the Department of Social Services adopts for its clients.’

If retrospectivity were not applied, the DVA would have to examine the debt recovery of pension monies from the deceased pensioner and take action to recover or waive recovery of the debt depending on its age.

In addition, DVA would be required to repay surviving partners (or their estates where the partners are now deceased) the amount of bereavement payment that was reduced because of overpayment resulting from the death of their partner dating back to 1996.

Not only would this be difficult given the passage of time but the contact from the DVA is likely to adversely affect the surviving partner and their family.’