



**THE HON MATT KEOGH MP
MINISTER FOR VETERANS' AFFAIRS
MINISTER FOR DEFENCE PERSONNEL**

MC22-003979

Senator Dean Smith
Chair
Senate Scrutiny of Bills Committee
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Dear Senator, *Dean*

DEFENCE, VETERANS' AND FAMILIES' ACUTE SUPPORT PACKAGE BILL 2022

I refer to the email of 8 September 2022 from Ms Laura Sweeney, A/g Secretary of the Senate Scrutiny of Bills Committee (the Committee) regarding the Committee's concerns about the delegation provisions of the *Defence, Veterans' and Families' Acute Support Package Bill 2022* (the Bill), directed to my colleague the Assistant Minister for Veterans' Affairs, the Hon Matt Thistlethwaite MP. Assistant Minister Thistlethwaite has passed this correspondence to me for response, as this matter falls within my portfolio responsibilities.

I note the Committee has requested advice as to:

- why it is considered necessary and appropriate to empower the Military Rehabilitation and Compensation Commission (the Commission) to delegate any or all of its functions or powers to such a broad class of people; and
- whether the Bill can be amended to provide some legislative guidance as to the scope of powers that might be delegated and to limit the categories of people to whom those powers might be delegated.

While I acknowledge the Committee's concerns, I consider that the provisions in the Bill enabling the Commission to delegate its functions or powers to a class of people are appropriate and necessary to meet the intent of the program which is to support vulnerable veteran families. In order to meet the needs of families at risk of, or in, crisis, there is a strong operational need for decision-making power to be devolved to non-SES officers including officers with technical knowledge who have been specifically trained to deliver decisions under the Acute Support Program. Delegates who will make specific decisions under the Acute Support Package will have the necessary experience and indeed are already involved in making similar decisions in relation to other support programs under veterans' legislation.

While final decision-making power will continue to reside with the Commission, the delegation provision allows for operational and administrative flexibility, so that decisions to grant support are timely and provide the necessary and appropriate assistance to veterans and their families who are in urgent need of support. From time to time, to enable the Commission to carry out the wide range of functions conferred on it, consultants may be engaged. This engagement will be done so in adherence to the relevant legislation and Department of Veterans' Affairs policy. While I acknowledge the Committee's concerns regarding consultant/contracted staff exercising delegated powers, in such cases, they would be chosen and engaged based on particular knowledge in relation to the program, or similar programs, or their knowledge of needs of vulnerable families who are experiencing or at risk of crisis affecting their lives.

In addition, all delegates will be provided with policy and procedural guides to assist in appropriate decision making. They will also be required to comply with any written directions given by the Department of Veterans' Affairs, for example, under the Accountable Authority Instructions.

Thank you for your consideration of the Bill. I trust this information is of assistance.

Yours faithfully,

HON MATT KEOGH MP

27 September 2022