

Dear Mr Sullivan,

As I mentioned to you at the conclusion of the Senate Foreign Affairs, Defence and Trade Committee's inquiry into the *Veterans' Affairs Legislation Amendment (Digital Readiness and Other Measures) Bill 2016* (Digital Readiness Bill), there is one aspect of the Commonwealth Ombudsman's supplementary submission that the Department of Veterans' Affairs would like to clarify.

Schedule 2 of the Digital Readiness Bill contains two types of information sharing provisions. Items 1, 7 and 10 of Schedule 2 are the proposed public information disclosure provisions. Items 3 – 6 are the proposed information sharing provisions between the Department of Veterans' Affairs and the Department of Defence/Chief of the Defence Force.

The excerpt of the Explanatory Memorandum quoted in the Commonwealth Ombudsman's supplementary submission relates to items 3 – 6 (information sharing between DVA and Defence), not the entire schedule 2. Thus the Commonwealth Ombudsman's comment that the amendments in Schedule 2 appear to exceed the quoted excerpt from the Explanatory Memorandum is correct, but this is because the excerpt relates to items 3 – 6 (information sharing between DVA and Defence), not items 1, 7 and 10 (public information disclosure provisions.)

The Commonwealth Ombudsman suggested that the anomaly (that the Military Rehabilitation and Compensation Commission can share information with the Department of Defence under the *Military Rehabilitation and Compensation Act 2004* (MRCA), but not the *Safety, Rehabilitation and Compensation Act 1988* (SRCA)) could be overcome by mirroring the existing MRCA provision (section 409) in the SRCA and *Veterans' Entitlements Act 1986* (VEA), rather than introducing new expanded provisions to all three pieces of legislation.

Item 5 of Schedule 2 inserts an equivalent of section 409 of the MRCA into the *Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988* (DRCA), subject to it being enacted. It is not necessary to make the equivalent amendment to the VEA because it already has an information sharing provision at section 130.

Items 1, 7 and 10 are not designed to overcome the anomaly mentioned above. They are

designed to achieve a separate policy outcome of putting beyond doubt that, in certain limited circumstances and subject to rules made by the Minister, the Secretary of the Department of Veterans' Affairs may make a public interest disclosure where it is in the public interest to do so. As discussed yesterday, misinformation in the public arena about DVA's policies, processes and procedures can have a detrimental effect on the wellbeing of veterans.

Thank you for allowing the Department of Veterans' Affairs to provide this further information to the Committee and I would be happy to provide any further information if that would assist members of the Committee.

Regards,
Carolyn Spiers.