



**Australian Government**

Australian Government response to the  
Foreign Affairs, Defence and Trade Legislation  
Committee report:

*Veterans' Affairs Legislation Amendment  
(Omnibus) Bill 2017*

September 2017

**PREFACE**

The Government welcomes the opportunity to provide a response to Foreign Affairs, Defence and Trade Legislation Committee inquiry into the *Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017*.

The Committee made one recommendation with an additional recommendation from Senator Lambie.

The Government Response to all of the recommendations is set out on the following page.

On 13 June 2017 the Senate Foreign Affairs, Defence and Trade Legislation Committee released its report into the *Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017*.

The Committee made the following recommendation:

**Recommendation 1**

**The Committee recommends that the Bill be passed.**

The Government agrees with this recommendation.

Senator Lambie made an additional recommendation:

**Recommendation 1**

**Omit proposed section 155(8A) to VEA 1986 from the *Veterans' Affairs Legislation Amendment (Omnibus) Bill 2017 [Provisions]*.**

The Government does not accept this recommendation.

The Government proposes an alternative to this recommendation. The Government proposes to move two amendments to address stakeholder concern about proposed subsection 155(8A) of the *Veterans' Entitlements Act 1986* (VEA).

Proposed subsection 155(8A) of the VEA currently reads:

*Dismissal if application for review is frivolous, vexatious etc.*

- (8A) The Principal Member may dismiss an application for the review of a decision if the Principal Member is satisfied that the application:
- (a) is frivolous, vexatious, misconceived or lacking in substance; or
  - (b) has no reasonable prospect of success; or
  - (c) is otherwise an abuse of the process of the Board.

The first amendment would make the powers exercisable by the Principal Member of the Veterans' Review Board (VRB) under proposed subsection 155(8A) non-delegable. That is, only the Principal Member would be able to exercise these powers. No other member of the VRB would be authorised to exercise these powers.

The second amendment would remove proposed paragraph 155(8A)(b) (outlined above) so that the only circumstances in which the Principal Member could dismiss an application were if it were frivolous, vexatious, misconceived or lacking in substance (paragraph (a) above), or otherwise an abuse of the process of the VRB (paragraph (c) above.)