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THE RETURNED & SERVICES LEAGUE OF AUSTRALIA LIMITED

NATIONAL HEADQUARTERS

ABN 63 008 488 097

From: Rear Admiral Ken Doolan AO RAN (Rtd)
National President

R1-1-12/sb
15 April 2013

NP: 064 /13

Dr Kathleen Dermody
Committee Secretary
Senate Standing Committees on Foreign Affairs, Defence and Trade
PO BOX 6100
Parliament House
CANBERRA ACT 2600

Sean Si. Dermody,

The Returned & Services League of Australia welcomes the opportunity of making a submission to the Senate Standing Committee on Foreign Affairs, Defence and Trade about its inquiry into Veterans' Affairs Legislation Amendment (Military Compensation Review and Other Measures) Bill 2013.

With one small but important exception, the League is most satisfied with the 16 Schedules of the Bill and commends it to the Committee as accurately reflecting the recommendations accepted by Government in the Review of Military Compensation Arrangements.

The small exception concerns the use of one word in Schedule 8: Remittal power of Veterans' Review Board. At section 353A (1), the wording "...the Board may require the Commission to reconsider the claim, to the extent it relates to paragraph 319(1)(d) " is ambiguous and could lead to uncertainty.

In making this point we draw to the attention of the Committee that the wording of Section 139(4) of the Veterans' Entitlement Act 1986 at Section 139(4) is unambiguous. It provides the Veterans' Review Board with explicit power to "...remit the matter to the Commission to assess the rate or rates at which the pension is paid....".

It is also relevant that the use of the word 'may' in Schedule 8 of the Veterans' Affairs Legislation Amendment (Military Compensation Review and Other Measures) Bill 2013 does not accurately reflect the implied intention of either the Explanatory Memorandum or the recommendations of the Review.

We recommend that 'may' be replaced by 'shall' in Schedule 8 section 353A(1). Subject to this one word amendment the League supports the Bill, commends it to the Committee and looks forward to its speedy passage through the Parliament and enactment into law in the very near future. We are confident these 16 Schedules enhance the benefits available to recipients under the Commonwealth's Military Compensation Arrangements.

The National Executive and Members of the Returned & Services League of Australia wish to record our appreciation of the extensive and inclusive consultative process which has given rise to this beneficial legislation.

Yours sincerely,

[Redacted signature]

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