EXPLANATORY NOTE


The attached Instrument is made under subsection 117(2) of the Veterans' Entitlements Act 1986 (Act) and varies the Veterans' Children Education Scheme (VCES) made under subsection 117(1) of the Act.

The purpose of the VCES is to enable veterans' children to receive financial assistance to help with their education.

The main purpose of the attached Instrument is to make provision for a new benefit in the VCES to be known as the Long Tan Bursary.

The Long Tan Bursary may only be awarded to an eligible child within a certain class of eligible child - that class being needy children of Vietnam veterans where the children are in the process of undertaking tertiary studies and are capable of successfully completing those studies. The relevant class of eligible child is set out in Instrument 4/2002 made under section 116A of the Act.

An eligible child who is an eligible child by virtue of both Instrument 4/2002 and some other ground of eligibility in section 116 of the Act could be entitled to both the Long Tan Bursary and other VCES benefits but an eligible child who is only an eligible child by virtue of Instrument 4/2002 may only receive, if the relevant conditions are met, the Long Tan Bursary and is not entitled to any other VCES benefit.

When the Repatriation Commission is deciding whether or not to award a Long Tan Bursary it must take into account the Long Tan Bursary Operational Guidelines 2002.

A minor purpose of the attached Instrument is to partially relax the prohibition in paragraph 2.11.1 VCES on children receiving VCES assistance if they receive other Commonwealth assistance. The operation of this prohibition, could, in certain situations, be considered to run counter to the benevolent nature of the Repatriation Legislation and therefore the Repatriation Commission decided that children should not be denied VCES assistance merely because they received other assistance from the Department of Veterans' Affairs or the Repatriation Commission but children who received education/income support-type assistance from other Commonwealth sources, would be denied access to VCES benefits.

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Repatriation Commission