REPATRIATION COMMISSION

Veterans' Entitlements Act 1986

Veterans' Children Education Scheme (Long Tan Bursary) Instrument

Instrument No. 5/2002

The Repatriation Commission makes this Instrument under subsection 117(2) of the Veterans’ Entitlements Act 1986.

Dated 12th April 2002

NEIL JOHNSTON
PRESIDENT

IAN CAMPBELL
DEPUTY PRESIDENT

PAUL STEVENS
COMMISSIONER

Repatriation Commission
1 Name of instrument

This Instrument is the Veterans’ Children Education Scheme (Long Tan Bursary) Instrument No. 5/2002.

2 Commencement

This Instrument commences upon its approval by the Minister for Veterans’ Affairs.
Note: subsection 117(3) of the Veterans’ Entitlements Act 1986 provides that a variation of the Veterans’ Children Education Scheme is of no effect unless approved by the Minister for Veterans’ Affairs.

3 Variation of the Veterans' Children Education Scheme

Schedule 1 varies the Veterans' Children Education Scheme.
Schedule 1 Variations

[1] Paragraph 1.2.1 (definition of "double orphan")

    after this definition, insert:

"Long Tan Bursary" means the bursary that may be provided by the Commission under paragraph 7.3.2 of the Scheme to an appropriate Eligible child in order to assist the child with their tertiary education.

[2] Paragraph 2.1.1

    after this paragraph, insert:

2.1A Eligible child Entitlement Restrictions

2.1A.1 A child who is an Eligible child by virtue of a determination by the Commission under subsection 116C (2) of the Act that the child is within a class of persons determined by the Commission under section 116A of the Act, being a class of persons described in paragraph 2.1 c) iii) of Instrument 27/2000 of 8 December 2000 (as varied by Instrument 4/2002) (Long Tan Class of Child), may be awarded a Long Tan Bursary but is not entitled to any other benefit under the Scheme if the child is an Eligible child only by virtue of being determined by the Commission to be an Eligible child because the child is within the Long Tan Class of Child.

Note: the intention is that in order for a child to be eligible under the Scheme for benefits generally, the child must be eligible for benefits on a ground other than that of being a child within a Long Tan Class of Child. A child who is an Eligible child under the Scheme solely because he or she falls within the Long Tan Class of Child is only eligible for the Long Tan Bursary and no other benefit under the Scheme. However there is nothing preventing an Eligible child eligible for benefits under the Scheme generally, from receiving a Long Tan Bursary if they are within the Long Tan Class of Child.

[3] Paragraph 2.11.1

    after this paragraph, insert:

2.11.2 For the purposes of paragraph 2.11.1, a child is not receiving financial assistance under any other Commonwealth education assistance, income support or similar scheme, if the child is receiving education assistance, income support or similar assistance from the Commonwealth under the auspices of the Department or the Commission.
Paragraph 7.2.3

after this paragraph, insert:

7.3 Long Tan Bursary

7.3.1 The Commission may create a bursary to be known as the Long Tan Bursary and the Commission may determine the duration and value of the bursary and the number of bursaries to be granted in any Calendar year.

Note (1): under section 23 of the Acts Interpretation Act 1901 words in the singular number (eg. bursary) include the plural (eg. bursaries).

Note (2): Calendar year is defined in section 22 of the Acts Interpretation Act 1901.

7.3.2 The Commission may award a Long Tan Bursary to an Eligible child but only if the child is an Eligible child by virtue of a determination under subsection 116C (2) of the Act that the child is within a class described in paragraph 2.1 c) iii) of Instrument 27/2000 of 8 December 2000 (as varied by Instrument 4/2002).

Note: generally speaking, only a needy child of a Vietnam veteran may receive a Long Tan Bursary where such child is making the transition to tertiary education.

7.3.3 In deciding whether or not to award a Long Tan Bursary to an Eligible child, the Commission must take into account the matters in the document prepared by the Commission and known as the "Long Tan Bursary Operational Guidelines 2002."

7.3.4 An Eligible child who is awarded a Long Tan Bursary is not entitled to another Long Tan Bursary.

7.3.5 A Long Tan Bursary may be administered by the Commission (administration power) or the Commission may direct a Board to administer a particular bursary and the Board shall administer that bursary.

7.3.6 Where the Commission delegates its administration power in Paragraph 7.3.5 to another person (for example, a contractor), it may enter into financial arrangements with that other person whereby that other person is paid to administer a Long Tan Bursary (administration fee) and any such administration fee may be drawn from the funds appropriated by the Commonwealth for the administration of the Scheme.

Note: pursuant to section 213 of the Act, the Commission can delegate its powers under the Act to, among others, a contractor with the Commission.