REPATRIATION COMMISSION

Veterans' Entitlements Act 1986

Veterans' Children Education Scheme (Update) Instrument

Instrument No. 4/2003

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

Dated 14 June 2003

NEIL JOHNSTON IAN CAMPBELL PAUL STEVENS
PRESIDENT DEPUTY PRESIDENT COMMISSIONER

Repatriation Commission
1 Name of Instrument

This Instrument is the Veterans' Children Education Scheme (Update) Instrument No. 4/2003.

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 Transitional

Where, immediately before the commencement of this Instrument, the Repatriation Commission (Commission) was reviewing a decision under the Veterans' Children Education Scheme (Scheme), then upon the commencement of this Instrument the Commission is to continue reviewing the decision as if the variations to the Scheme by this Instrument had not been made.
Note: the Veterans' Children Education Scheme is made under section 117 of the Veterans' Entitlements Act 1986.

4 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 “approved” or “not otherwise approved”)

*omit this definition, substitute:*

“approved full-time tertiary or technical and further education course” means an approved course of education or study under Part 2.11 of the Social Security Act 1991.

Note (1): see paragraph 3.5.1;
Note (2): paragraph 541B(1)(c) and subsection 541B(5) of the Social Security Act 1991 refer to approved courses.

[2] Paragraph 1.2.1 (definition of “Commission”)

*after this definition, insert:*

“course not otherwise approved” means a course that is not an approved course of education or study under Part 2.11 of the Social Security Act 1991.

Note (1): see paragraph 7.2.3;
Note (2): paragraph 541B(1)(c) and subsection 541B(5) of the Social Security Act 1991 refer to approved courses.

[3] Paragraph 1.2.1 (definition of “double orphan”)

*after this definition, insert:*

“fare” means the amount of money a student must pay in order to use public or private transport to travel between the student’s home and the student’s place of study.

Note: see paragraph 5.1.1

[4] Paragraph 1.2.1 (definition of “payday”)

*after this definition, insert:*

“responsible Departments” means the Commonwealth Departments of State responsible for administering, respectively, the Student Assistance Act 1973 and the Social Security Act 1991.

Note: the Administrative Arrangements Order sets out Commonwealth Departments and the legislation they administer. See: http://scaleplus.law.gov.au/docs/legtables/aa0.htm
Paragraph 2.4.1

omit:

Centrelink and the Department of Employment, Education, Training and Youth Affairs

substitute:

the responsible Departments

at the end of this paragraph, insert:


Paragraphs 2.5.3;2.5.4;2.5.5.

omit:

has failed to satisfy the progress rules in Part 2.11A of the Social Security Act 1991 in respect of tertiary students

substitute:

would have failed to satisfy the progress rules in Part 2.11A of the Social Security Act 1991 in respect of tertiary students (if Part 2.11A had applied to the student)

at the end of these paragraphs, insert:

Note: the “progress rules” are mentioned in section 569H of the Social Security Act 1991.
Paragraphs 3.2.3; 3.3.2; 3.3.3.

omit:

who usually receives child support allowances that are paid under the Social Security Act 1991

substitute:

who is entitled to be paid family tax benefit under A New Tax System (Family Assistance) (Administration) Act 1999

Paragraph 3.4.1(b)

omit:

Commonwealth Assistance to Isolated Children Scheme

substitute:

Commonwealth Assistance for Isolated Children Scheme

at the end of this paragraph, insert:

Note: the Assistance for Isolated Children Scheme is a non-statutory scheme administered by that Department of the responsible Departments that administers the Student Assistance Act 1973.

Paragraph 3.8.3

omit:

Assistance to Isolated Children

substitute:

Assistance for Isolated Children

at the end of this paragraph, insert:

Note: the Assistance for Isolated Children Scheme is a non-statutory scheme administered by that Department of the responsible Departments that administers the Student Assistance Act 1973.
Paragraph 5.1.1

*omit, substitute:*

5.1.1 Where the Commission has approved payment to a student of an education allowance under paragraph 3.5.1, it may accept financial liability for a fare (or part thereof) paid, or to be paid, by the student for a journey between the student’s home and place of study.

Note: a fare may be the cost of using private transport.

5.1.2 In making a decision under paragraph 5.1.1 in respect of whether to accept liability for a fare, the Commission is to take into account Part 2.26 of the *Social Security Act 1991* as it relates to the circumstances in which fares allowance under that Act is payable and as it relates to the level of fares allowance payable in those circumstances.

Note: under Part 2.26 of the *Social Security Act 1991* (SSA) a determination may be made amending levels of fares allowance in the Act (Henry VIII clause). The SSA as amended by any such determination would constitute the SSA “in force from time to time” (see definition of SSA) and therefore the Commission could lawfully consider those new levels of fares allowance as introduced by the determination.

Paragraph 6.2.1

*omit:*

From 1 January 1994, each Board shall consist of not less than five and no more than ten members,

*substitute:*

Each Board shall consist of not less than five members and no more than fifteen members,
8.2.4 The Commission must review the decision, or cause the decision to be reviewed by a person to whom the Commission has delegated its power under this paragraph (not being the person who made the decision).

8.2.5 On the completion of its review of a decision, the Commission shall:

(a) if it is satisfied that the decision is unsatisfactory, set aside the decision and substitute for that decision such decision as the Commission considers to be appropriate; or

(b) if it is not so satisfied, affirm the decision.