EXPLANATORY STATEMENT

Veterans’ Entitlements (Veterans’ Children Education Scheme)
Eligible Child Amendment Instrument 2006

EMPOWERING PROVISION

Section 117 of the Veterans’ Entitlements Act 1986 (the Act).

PURPOSE

The purpose of the attached Instrument is twofold:

• to provide that children and former children of Vietnam veterans who are “eligible children” for the purposes of the Veterans’ Children Education Scheme (VCES) only because eligibility is conferred by virtue of paragraph 2.1 (c) of the Determination entitled “Veterans’ Entitlements (Veterans’ Children Education Scheme) Eligible Child Determination 2006, are entitled only to the benefit available under the VCES known as the “Long Tan Bursary” and are not entitled to other VCES benefits (Restriction on Entitlement).

• to update the reference to the “Long Tan Bursary Operational Guidelines” in the VCES ie change 2002 to 2006 (Updating Guidelines).

Restriction on Entitlement

Eligibility for the VCES is conferred by subsection 116(1) of the Veterans’ Entitlements Act 1986 (the Act). In general only a child whose veteran-parent died from a war-caused condition or who was seriously disabled is eligible for VCES benefits.

The Act was amended to enable the Repatriation Commission to enlarge the class of child eligible for VCES benefits. A new class of eligible child is determined by the Commission in a legislative instrument.

By a legislative instrument entitled the Veterans’ Entitlements (Veterans’ Children Education Scheme) Eligible Child Determination 2006 the Repatriation Commission added a new class of eligible child for the purposes of the VCES.
Generally the new class of child was comprised of children of Vietnam veterans at risk of self harm (At Risk Children). However the class also included children of Vietnam veterans who were not at risk of self harm but who were entering tertiary education and were in need of financial assistance (Long Tan Children).

The Repatriation Commission decided that whereas the At Risk Children should be entitled to all of the VCES benefits available, the Long Tan Children should only be entitled to the VCES benefit known as the Long Tan Bursary.

The attached Instrument implements this decision.

Updating Guidelines

The VCES enables the Repatriation Commission to award a bursary known as the Long Tan Bursary and provides that before awarding such a bursary the Commission must take into account the matters in the “Long Tan Bursary Guidelines”. Before the attached Instrument, the Guidelines were dated 2002. The attached Instrument amends the reference to the Guidelines so that it reflects the new Guidelines made in 2006.

INCORPORATED DOCUMENT

The attached Instrument incorporates-by-reference the document approved by the Repatriation Commission and entitled the “Long Tan Bursary Operational Guidelines 2006”. These guidelines are available from the Department of Veterans' Affairs (ACT Office) 13 Keltie St Woden 2606 (or PO Box 21 Woden ACT 2606) Tel No 026 2891111.

RETROSPECTIVITY

None. The Instrument commences on the day after registration on the Federal Register of Legislative Instruments.

CONSULTATION

The Rule-Maker (Repatriation Commission) decided that the only consultation that was appropriate in respect of the attached Instrument was consultation between the Department of Veterans’ Affairs and the Australian Veterans' Children Assistance Trust. The Commission decided that consultation with clients was not necessary because the Instrument was technical in nature.
Further details of the Instrument are at Attachment A.
ATTACHMENT A

Veterans’ Entitlements (Veterans’ Children Education Scheme) Eligible Child Amendment Instrument 2006


[2] provides that the Instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.


[4] ensures that the revocation by the attached instrument of the restriction on eligibility for VCES benefits for those children only eligible for VCES benefits because of paragraph 2.1 (c) of the Determination entitled “Veterans’ Entitlements (Veterans’ Children Education Scheme) Eligible Child Determination 2006” does not widen the eligibility of those children to VCES benefits generally.

ensures that the revocation by the attached instrument of a number of provisions relating to the granting of the Long Tan Bursary does not affect the eligibility of a child for a Long Tan Bursary where the child was eligible for the Bursary immediately before the commencement of the attached instrument. The child remains eligible for a Long Tan bursary as if eligible under the VCES as amended by the attached instrument.

[5] refers to the Schedule that varies the VCES.

[6] omits paragraph 2.1A.1 and inserts a new paragraph 2.1A.1 so that the paragraph refers to the new determination that establishes eligibility for the Long Tan Bursary.

The new paragraph ensures that persons who are only eligible for the VCES by virtue of paragraph 2.1 (c) of the Veterans’ Entitlements (Veterans’ Children Education Scheme) Eligible Child Determination 2006 are only entitled to the VCES benefit of the Long Tan Bursary.
omits paragraphs 7.3.2 and 7.3.3 and inserts new paragraphs 7.3.2 and 7.3.3.

Paragraph 7.3.2 requires the Repatriation Commission to only award a Long Tan Bursary to a person who is eligible for VCES benefits by virtue of paragraph 2.1 (c) of the *Veterans’ Entitlements (Veterans’ Children Education Scheme) Eligible Child Determination 2006*. This means that only children or former children of Vietnam veterans, being children or former children who are entering tertiary education and who need financial assistance, may be considered for a Long Tan Bursary.

Paragraph 7.3.3 requires the Repatriation Commission to take into account the matters in the Long Tan Bursary Guidelines approved by it in September 2006 when deciding whether or not to grant a Long Tan Bursary.